

ZB# 92-6

**Allen Dantas
(Walter's Mobile Homes)**

3-1-27.1 & 28

#92-6 - Dantas, Allen (Walter's Mobile Home Village)

Prelim.

Mar. 23, 1992

(App. finished at Prelim.)

Prelim. - Before full Bd.

Apr. 13, 1992

Use Variance

~~9-22-92~~
Bulk - NC Bulk Tables

6 to 16 B1

up req. to Mobile Home

OCDD ~~to be~~ notified on 7/3/92
Public Hearing: Answer August 24, 1992, hear

Fees paid X 7/31/92.

Notice to Surtinil "

CAF - here X 8/5/92.

Aug. 24, 1992.

Use Variance

Granted

Total Due \$461.00

Paid 10/28/92

CK #5738

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

12829

Received of Watters Mobile Home Village, Inc. August 25, 19 92 \$ 150⁰⁰/₁₀₀

One Hundred fifty and ⁰⁰/₁₀₀ DOLLARS

For Zoning Board Application Fee (#92-6)

DISTRIBUTION:

FUND	CODE	AMOUNT
check # 5639		\$150 ⁰⁰ / ₁₀₀

By Pauline D. Townsend

Town Clerk

Title



①

92-6.



②

92-6.

Copy - Peter

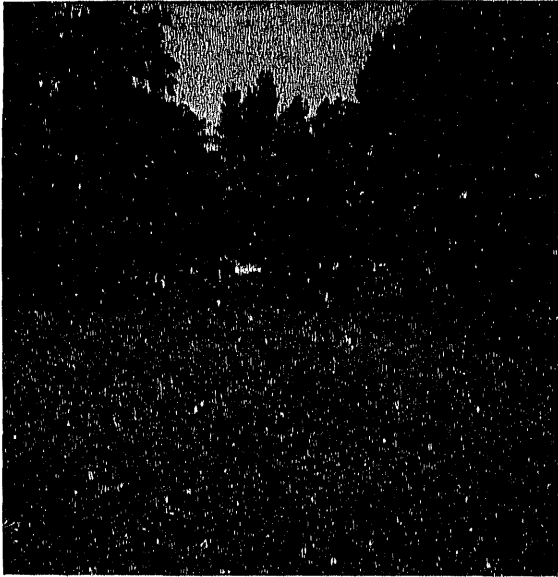
FUND	CODE	AMOUNT
check # 5639		\$150.00

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

By Pauline D. Townsend

Town Clerk

Title



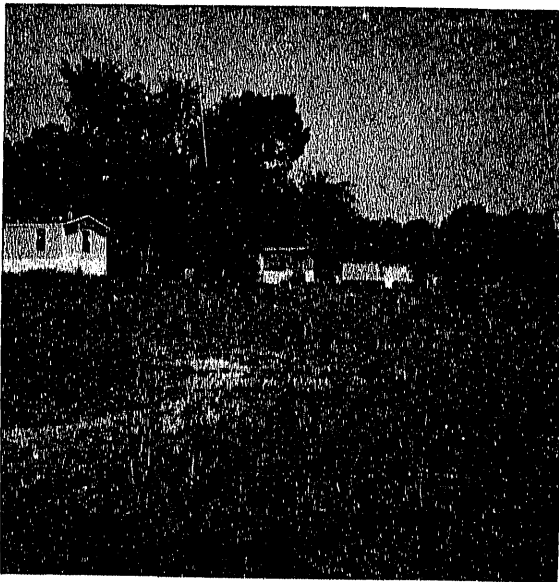
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92-6.



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92-6.



③

92-6.



④

92-6

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Dantas, Allen

FILE # 92-6

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00 ^{500.00} + ~~250.00~~

APPLICATION FOR VARIANCE FEE \$ 150.00 ^{pd.}
* * * * * CK # 5639

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 ^{pd.}
CK # 5638

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE ^{3/23/92 - 20 pages} . . . \$ 90.00
2ND PRELIM. MEETING - PER PAGE ^{4/13/92 - 12 pages} . . . \$ 54.00
3RD PRELIM. MEETING - PER PAGE . . . \$.
PUBLIC HEARING - PER PAGE ^{8/24/92 - 6 pages} 27.00 . . . \$ 27.00
TOTAL \$ 171.00

ATTORNEY'S FEES:

PRELIM. MEETING - <u>1.8</u>	HRS.	\$	<u> </u>
2ND PRELIM. <u>.7</u>	HRS.	\$	<u> </u>
3RD PRELIM. <u>1.1</u>	HRS.	\$	<u> </u>
FORMAL DECISION <u>2.1</u>	HRS.	\$	<u> </u>
TOTAL HRS. <u>3.6</u>	@ \$ <u>150.-</u>	PER HR.	\$ <u>540.00</u>
			TOTAL \$ <u>540.00</u>

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 711.00

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$ 461.00 ^{pd.}
REFUND TO APPLICANT DUE . \$ _____
CK # 5738
10/29/92

WALTERS MOBILE HOME VILLAGE INC.

590 LITTLE BRITAIN ROAD PH. 914-564-1993
NEW WINDSOR, NY 12550

5738

29-1
213 522

10 29 19 92

PAY
TO THE
ORDER OF

TOWN OF WINDSOR

\$ 461⁰⁰

FOUR HUNDRED AND SIXTY ONE DOLLARS ^{NO}/_{CENTS} DOLLARS



NORSTAR BANK
Vails Gate, NY 12584

FOR

#92-6

Allen Rambo

⑈005738⑈ ⑆021300019⑆ 52210 12072⑈

WALTERS MOBILE HOME VILLAGE INC.
590 LITTLE BRITAIN ROAD PH. 914-564-1993
NEW WINDSOR, NY 12550

5639

29-1-522
213

7-31-1992

PAY
TO THE
ORDER OF

TOWN OF NEW WINDSOR

\$150.00

ONE HUNDRED AND FIFTY DOLLARS

NO
CENTS

XX
XX
DOLLARS

NORSTAR BANK
Vails Gate 52201
Vails Gate, NY 12584

FOR

#92-6

Allen Pantes

⑈005639⑈ ⑆021300019⑆ 52210 12072⑈

WALTERS MOBILE HOME VILLAGE INC.
590 LITTLE BRITAIN ROAD PH. 914-564-1993
NEW WINDSOR, NY 12550

5638

29-1-522
213

7-31-1992

PAY
TO THE
ORDER OF

TOWN OF NEW WINDSOR

\$250.00

TWO HUNDRED AND FIFTY DOLLARS

NO
CENTS

XX
XX
DOLLARS

NORSTAR BANK
Vails Gate 52201
Vails Gate, NY 12584

FOR

#92-6

Allen Pantes

⑈005638⑈ ⑆021300019⑆ 52210 12072⑈

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of
ALLEN DANTAS/WALTER'S MOBILE HOME VILLAGE

DECISION
GRANTING USE
VARIANCE

#92-6.
-----X

WHEREAS, ALLEN DANTAS, residing at 590 Little Britain Road, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a use variance to expand his pre-existing, non-conforming mobile home park by adding thereto an adjacent parcel of land of 4.28 acres upon which 15 new mobile home units will be sited, upon his property located on the northside of NYS Route 207, New Windsor, New York, in an NC zone; and

WHEREAS, a public hearing was held on the 24th day of August, 1992 before the Zoning Board of Appeals at the Town Hall, New Windsor, N. Y.; and

WHEREAS, the applicant, ALLEN DANTAS, appeared at the public hearing together with his wife, KITTY DANTAS, a co-owner of the subject property, and the applicant was represented at said public hearing by William Hildreth, L.S. of Grevas and Hildreth, who spoke in support of the application; and

WHEREAS, there were no spectators present at the public hearing; and

WHEREAS, the Board received correspondence from Vincent L. Soukup, together with minutes of Town of New Windsor Planning Board meetings regarding the applicant's proposal, and which raised certain questions relative to wetlands, all of which should be addressed by the Planning Board when it considers the applicant's site plan application, following this Board's grant of a use variance to the subject parcel; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in the The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking permission to expand his pre-existing, non-conforming mobile home park, located in an NC zone, in order to add thereto an adjacent parcel of land, acquired from a neighboring owner in a lot line change transaction, of some 4.28 acres upon which applicant proposes to site 15 new mobile home units. A mobile home park is not a permitted use in the NC zone; hence applicant submits the

instant application for a use variance.

3. The evidence presented by the applicant indicated that the use of the subject property as a mobile home park is a pre-existing, non-conforming use, which predates the adoption of zoning in the Town of New Windsor. The applicant indicated that his existing mobile home park has operated since 1951 on this site. This pre-existing, non-conforming use of the property exists on some 7.42 acres of land, upon which presently are sited 72 mobile home units.

4. It further appeared from evidence presented by the applicant at the public hearing that, prior to the lot line change transaction, the lands lying to the east of this pre-existing, non-conforming site were owned by Newburgh S.P.C.A. The course of Silver Stream cuts through the lands of the Newburgh S.P.C.A., near its westerly boundary with the applicant. Due to this natural boundary, the lands lying to the west of Silver Stream up to the easterly boundary of the applicant's lands, were of little use to the Newburgh S.P.C.A., which had more than enough additional acreage on the east side of Silver Stream to accomplish its purposes. The applicant and the Newburgh S.P.C.A. reached an agreement whereby said lands between the Silver Stream and the applicant's lands would be conveyed to the applicant to be annexed to its existing mobile home park lands. Following lot line change approval, the applicant has annexed these lands acquired from the Newburgh S.P.C.A. to its existing lands by a single perimeter deed description.

5. The applicant now seeks the instant use variance in order to expand his existing mobile home park onto the newly acquired lands. The new, enlarged site owned by the applicant will comprise a total of 11.7 acres on which will be sited a total of 87 mobile home units.

6. In considering this application, the Zoning Board of Appeals has been advised by the applicant, and predicates its decision herein upon the representation of the applicant, that the pre-existing lands, comprising 7.42 acres will be forever joined with the newly acquired parcel of 4.28 acres, for as long as the said lands are devoted to mobile home park use, i.e. the entire 11.7 acre parcel shall not be further subdivided as long as the said lands, or any portion thereof, are devoted to mobile home park use, and said mobile home park use shall be the only use to which said lands are devoted, together with any accessory uses which are incidental to said mobile home park use, pursuant to the use variance granted herein. In addition, the applicant must secure all necessary site plan approvals from the Town of New Windsor Planning Board and must meet the mobile home bulk requirements of Chapter 27A of the Code of the Town of New Windsor.

7. The applicant has filed the required short Environmental Assessment Form in connection with his application.

8. The Zoning Board of Appeals of the Town of New Windsor has declared itself an involved agency in regard to the review of

the applicant's request for a use variance, on the assumption that the Planning Board of the Town of New Windsor ultimately will declare itself the lead agency in regard to the proposal presented by the applicant.

9. The Zoning Board of Appeals of the Town of New Windsor has reviewed the short Environmental Assessment Form prepared by the applicant and has heard the applicant's presentation before this Board, and finds that the granting of this requested use variance will not result in any significant adverse environmental impact, and consequently has made a negative declaration under SEQRA for the requested use variance.

10. This Board finds that the unusual shape of the 4.28 acre parcel which has been annexed to the existing mobile home park precludes virtually any use allowed thereon in the NC zone. The said 4.28 acre parcel has frontage on NYS Route 207 of approximately 48.36 ft. However, a substantial part of this frontage is subject to an existing sewer easement which runs through the entire length of said 4.28 acre parcel, and bisects this parcel. The location of this easement severely diminishes the value of said 4.28 acre parcel of land.

11. The evidence presented by the applicant indicated that there is simply not enough available land within the 4.28 acre parcel to construct a commercial structure permitted within the NC zone. The applicant thus takes the position that expansion of his existing mobile home park onto this 4.28 acre parcel is the only reasonable use to which said parcel can be devoted.

12. Based upon the evidence presented and the Board's familiarity of the applicant's property and the surrounding area, it is the finding of this Board that the applicant has demonstrated that the applicable zoning regulations and restrictions have caused unnecessary hardship, entitling him to the granting of the requested use variance to expand his pre-existing, non-conforming mobile home park onto the additional 4.28 acre parcel in an NC zone.

13. The land in question cannot yield a reasonable return if used only for a permitted use due to its unusual shape, and its location between the pre-existing, non-conforming mobile home park and Silver Stream.

14. Under the applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question, which deprivation has been established by competent financial evidence.

15. The hardship relating to the property in question is unique, and does not apply to a substantial portion of the zoning district or neighborhood.

16. The requested use variance will not alter the essential character of the neighborhood.

17. The alleged hardship has not been self-created.

18. It is the finding of this Board that the applicant is attempting to make a reasonable use of the subject property given its unusual shape and location, combined with the fact that the existing sewer easement bisects said property. In addition, the acquisition of said parcel from Newburgh S.P.C.A., through the lot line change transaction, does not constitute a self-created hardship since the lot line change transaction was an attempt by the neighboring property owners to adjust, for their mutual benefit, a situation which was created by the location of the sewer easement through the middle of the 4.25 acre parcel lying to the west of Silver Stream. Also, by acquiring the said 4.28 acre parcel, this applicant was seeking to adjust difficulties apparently created by predecessor owners in locating certain mobile homes in a manner which encroached on the then lands of the Newburgh S.P.C.A. Given the applicant's efforts to resolve these pre-existing problems, as well as to make a reasonable use of a parcel of land, which due to the location of Silver Stream and the sewer easement would be virtually useless for any use permitted in the NC zone, it is the finding of this Board that the lot line change transaction did not constitute a self-created hardship by this applicant.

19. It is the further finding of this Board that the use variance granted herein is the minimum variance that this Board deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

20. The interests of justice will be served by the allowing the granting of the requested variance.

NOW, THEREFORE, BE IT

RESOLVED that the Zoning Board of Appeals of the Town of New Windsor GRANT a use variance to permit the expansion of applicant's mobile home park onto the 4.28 acre parcel recently acquired by the applicant upon which 15 new mobile home units will be sited in accordance with a plan filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: October 26, 1992.


Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-6

Date: 7/29/92

I. Applicant Information:

- (a) ALLEN DANTAS, 590 Little Britain Road, New Windsor, N.Y. 12553 x
(Name, address and phone of Applicant) (Owner)
- (b) n/a
(Name, address and phone of purchaser or lessee)
- (c) n/a
(Name, address and phone of attorney)
- (d) Grevas & Hildreth P. C., 33 Quassaick Avenue, New Windsor, N. Y. - Surveyor
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
(☐) Area Variance (☐) Interpretation

III. Property Information:

- (a) NC Route 207, New Windsor, N.Y. 12553 & 28
(Zone) (Address) (S B L) (Lot size) 3-1-27.1 11.7 acres +
- (b) What other zones lie within 500 ft.? Airport
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1982 & 1991
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? n/a
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a
- _____
- _____
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section 48-9, Table of Use/Bulk Regs., Col. B-1 (NC), to allow:
(Describe proposal) Expansion of mobile home park which use is not a permitted use in an NC (neighborhood commercial) zone. Existing mobile home park is a pre-existing non-conforming use and currently has 72 units on 7.42 acres. The proposal is for 15 new units on 4.28 acres that were acquired from the adjacent property owner under a lot line change which has been approved by the Planning Board.
(continued on attached addendum)

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
(See attached addendum)

V. Area variance: n/a

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

n/a

(b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

VI. Sign Variance: n/a

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

n/a

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) ^{n/a} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. n/a

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The proposed expansion of the existing mobile home park will be constructed within the limitations of the original park and will ensure the quality of the neighboring zones. (See annexed site plan).

IX. Attachments required:

- x Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- x Copy of tax map showing adjacent properties.
- n/a Copy of contract of sale, lease or franchise agreement.
- x Copy of deed and title policy.
- x Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- n/a Copy(ies) of sign(s) with dimensions and location.
- Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$250.00, each payable to the TOWN OF NEW WINDSOR.
- Photographs of existing premises from several angles.

X. Affidavit.

Date: July 29, 1992

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

By: Allen Dantas
(Applicant)
ALLEN DANTAS

Sworn to before me this

31st day of July, 1992.

XI. ZBA Action:

ant **PATRICIA A. BARNHART**
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993 *93*

- (a) Public Hearing date: Commission Expires August 31, 1972
- (b) Variance: Granted (☐) Denied (☐)
- (c) Restrictions or conditions:

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Under the applicable zoning regulation, the applicant herein is deprived of all economic use or benefit from the property in question, which deprivation is established by the following evidence:

Applicant purchased the additional property in 1991 at a substantial cost in order to expand the mobile home park by 15 new units on 4.28 acres of property. This expansion is 21%, well under the allowable 30%.

In 1988, applicant agreed to allow the Town of New Windsor to install an easement for sanitary sewage through the center of applicant's property. An initial easement was granted by the previous owner of the property in 1975. Applicant feels that the location of the easement has diminished the value of his property. If applicant did not allow the town to install the sewer pipe line, a condemnation action would have ensued and the town would have taken the land anyway and applicant would have been faced with the problem of removing approximately 11 families who would have been affected by this sewer line.

If applicant were to utilize the property for which it is zoned, he would not have enough land to construct a commercial structure which is permitted in the NC zone. Taking this fact into consideration, an extension to a mobile home park would be the most likely use of the parcel.

Applicant feels that his problem is unique and does not apply to substantial portions of the zoning district or neighborhood because the mobile home park was a pre-existing non-conforming use which has existed since 1951.

It has been established by applicant that the requested use variance, if granted, will not alter the essential character of the neighborhood or affect the health, safety or welfare of the community because of its pre-existing, non-conforming status.

Applicant feels strongly that the hardship was not self-created. The circumstances stated herein were totally beyond his control before he made the additional purchase to extend his mobile home park.

Applicant meets all of the requirements of the Mobile Home Park Local Law and, therefore, no variances are necessary to conform to the Mobile Home Park Law.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR ALLEN DANTAS	2. PROJECT NAME WALTERS MOBILE HOME VILLAGE-MOBILE HOME PARK EXPANSION
3. PROJECT LOCATION: Municipality TOWN OF NEW WINDSOR County ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) NORTH SIDE OF ROUTE 207 500' ± EAST OF SQUARE HILL ROAD	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: ADDITION OF FIFTEEN (15) MOBILE HOME SITES TO AN EXISTING MOBILE HOME PARK	
7. AMOUNT OF LAND AFFECTED: Initially 4.28 acres Ultimately 11.70 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly REQUIRES USE VARIANCE	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals ORANGE COUNTY HEALTH DEPARTMENT - WATER MAIN EXTENSION	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval ORANGE COUNTY HEALTH DEPT. AND TOWN OF NEW WINDSOR ANNUAL PERMIT TO OPERATE	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: ALLEN DANTAS	Date: 31 JULY 1992
Signature: Allen Dantas	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No <u>PLANNING BOARD - LEAD AGENCY</u>
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
<u>NO</u>	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
<u>NO</u>	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
<u>NO</u>	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
<u>NO</u>	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
<u>NO</u>	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
<u>NO</u>	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<u>NO</u>	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
<u>ZONING BOARD OF APPEALS (INVOLVED AGENCY)</u>	
Name of Lead Agency	
<u>RICHARD FENWICK</u>	<u>CHAIRMAN</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u><i>Richard Fenwick</i></u>	<u></u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)
<u>10/5/92</u>	
Date	

October 5, 1992

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FORMAL DECISIONS

MR. FENWICK: There is a couple of more items on here. We have a couple of formal decisions. I understand they are not typed up yet so there is no sense of doing anything at this time.

MR. LUCIA: I would like to do one thing on Alan Dantas, which is one of those decisions we are just waiting on, this was a use variance application that was heard at the August 24th meeting of the board and the board granted the variance, which was fine. We should do a little bit of housekeeping on S.E.Q.R.. I think a motion would be in order for the Z.B.A. to declare itself an involved agency in regard to the review of the applicants request for use variance on the assumption that the Planning Board either has already or will ultimately declare itself being a lead agency with regard to this application.

MR. TANNER: So moved.

MR. TORLEY: Second.

ROLL CALL

MR. TORLEY	Aye
MR. NUGENT	Aye
MR. TANNER	Aye
MR. FENWICK	Aye

MR. LUCIA: Okay, in connection with that same application I think a motion be in order to make a negative declaration under S.E.Q.R., that is predicated on the fact that you have found the requested use variance will not result in any significant adverse environmental impact.

MR. TANNER: Make a motion we declare a negative declaration?

MR. NUGENT: I will second it.

ROLL CALL

MR. TORLEY	Aye
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October 5, 1992

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MR. NUGENT Aye
MR. TANNER Aye
MR. FENWICK Aye

MR. TANNER: Make a motion we adjourn the meeting?
MR. NUGENT: Second.

ROLL CALL

MR. TORLEY Aye
MR. NUGENT Aye
MR. TANNER Aye
MR. FENWICK Aye

-o-

-o-

-o-

Date11.23.17....., 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550TO Francis Rahn, 355 Morris Hill Rd DR.New Windsor, NY 12553

DATE		CLAIMED	ALLOWED
5/24/12	Zoning Board Meeting	75.00	
	Masi - 8		
	Cavalari - 7		
	Bello - 3		
	Pantano - 6 22.00		
	Newcomb - 3		
	DioGuardia - 1		
		90.00	
		<u> </u>	
		1165.00	

PUBLIC HEARING:

DANTAS, ALLEN

William Hildreth, L.S. of Grevas and Hildreth came before the Board representing this proposal, along with Kitty Dantas.

MR. KONKOL: Request for use variance to expand mobile home park located on Route 207 known as Walter's Mobile Home Park. Go ahead and explain.

MR. HILDRETH: First of all, Pat, is there anything we have to cover as far as the mailings or notices? I had one return. Do you want it for your files?

MRS. BARNHART: No, I mailed out everything on.

MR. HILDRETH: Do you have a copy of the list for the file?

MRS. BARNHART: Yes, I mailed out all the notices on August 6, 25 notices went out. I didn't get any back.

MR. HILDRETH: Well, it came back to me because of the return address on the envelope. I don't know if you have maps or not. I have some pictures. Well, first of all, briefly this project is for the expansion of a mobile home park. We're here before the board seeking a use variance. It's in the NC zone and mobile home park is a non-conforming use, this is pre-existing. So we need the use variance. The Planning Board, when it referred it, put it in the B1 category. We can go over the bulks if you want but in that category, there are no bulk requirements so it's simply a use variance that we're seeking. From a Planning Board standpoint, just so the board knows, all these lots are going to conform to the current Mobile Home Law. Some site information, it's a total of 11.7 acres, it consists of combining 2 tax lots, the expansion area was acquired by a lot line change with adjoining property owner ASPCA. Boundary line currently goes down Silver Stream and the expansion is going to take place in this area. Part of the expansion if I may back up just a little bit during the course of the work for the lot line change, it was

discovered that some of these trailers encroached over the boundary line. It was something nobody knew so one of the things that acquiring this land did was clean that up and eliminate that problem. Obviously, there's no other, you know, permitted use that you can put to this that would suit the site. The expansion is the most logical use for this site, it has very little frontage, has no access onto 207. All of the circulation will be interior and this layout even improves on that interior circulation. Again, that is a Planning Board consideration but I wanted to point it out to the board. The adjoining uses, there's the ASPCA which is I guess a kennel, animal shelter, there's Stewart Airport and Square Hill Road. There's another mobile home park so it is consistent with what--nothing is going to change the character of the neighborhood one bit. And obviously the economic hardship of having no return from this because there really is no other use to put to this other than expansion. Proposal is for currently for 15 units. This has to go back to the Planning Board if it gets the variance from the Zoning Board and that number may go down, it won't go up. There's not room for more than 15.

MR. KONKOL: Are you going to change the existing waterway in any way?

MR. HILDRETH: Absolutely not. The stream is not to be touched. I checked the files just before I came up here looking back over some Planning Board minutes and whatnot and Silver Stream is a regulated stream which requires a permit to disturb so there's no disturbance planned or there's a stone wall here that was put up and everything is going to happen on this side of the stone wall.

MR. KONKOL: When Mr. Dantas acquired this extra property, he corrected this, one of the reasons he bought it?

MR. HILDRETH: Absolutely. That came to light after we began the survey work in terms what we were going to do with the ASPCA.

MR. KONKOL: The encroaching is not on anybody else's property?

MR. HILDRETH: This is all going to be one piece. I have some pictures. Number one is here standing at 207, that is number one looking straight into the site from this position here. I believe I caught a little piece of a trailer on the left which would be this one, excuse me, mobile home which would be this one here. Pictures 2 and 3 were standing here, one was looking up this road, that is number 2, and then number 3 was in the same position, just looking down the site and I tried to catch the rear of the mobile homes in this area. You can see it's wide open and ready to go. Pictures 4 and 5 were taken in this area, 4 was looking down where this road is going to go and 5 is just looking back. Picture 4 does, did pick up a piece of 207 but I doubt if you can pick it up because the detail isn't there, picture, excuse me picture 5, you can see the highway right there but just barely. It's fairly well screened in this area and flows. Development planned here, nearest home site is going to be in the vicinity of pictures 2 and 3.

MR. KONKOL: This is all going to be subject to Planning Board approval any way.

MR. HILDRETH: Absolutely, this is still basic sketch plan. We're here for the use variance because the Planning Board didn't deem it wise to spend the applicant's time and money in a detail plan if there was no variance granted for the use. I've also, Pat, excuse me for interrupting, a copy of the deed.

MRS. BARNHART: Oh, great, thank you.

MR. KONKOL: At this time for the record, I'd like to read that the short environmental assessment form has been filed and it's properly executed and we also have a letter from the Department of Planning, Orange County that there's no significant intercommunity or county-wide concerns to bring to your attention. So they are not against it. The County's letter is dated August 14, 1992. The other one was dated July 31, 1992. Also, just prior to the meeting tonight, we were

August 24, 1992

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handed a piece of correspondence from Mr. Soukup. I want to read this into the record. It was dated August 24 addressed to Chairman Fenwick. Re: Walter's Trailer Park. We enclose New Windsor's Planning Board minutes of 11/14/90 and 12/12/90, I ask that these be entered into the minutes of your proceedings and the 12/12 minutes be read in their entirety at your meeting. Questions that I ask are has the applicant resolved U. S. Corporation wetlands questions, was the filling already done, approved already, has the site plan approval been granted and there's some footnotes and it says thank you, V. Soukup. There's several pages of Planning Board minutes which this board is all familiar with. We won't read them again tonight. I do not see any reason to read them and put the client under additional expense with the steno's fees and so forth, it's unnecessary. The Planning Board at both meetings approved the requests and the only questions I have is Mr. Hildreth, would you want to answer some of these questions?

MR. HILDRETH: For the record, what the Planning Board approved was the lot line change. And also the gentleman's name Soukup, S-O-U-K-U-P. He was a Planning Board member at the time. The questions raised regarded DEC wetlands and the stream. We submitted paperwork to the Planning Board from the DEC that said it was not a regulated wetland, the stream is a protected stream which requires a permit to disturb. There are no plans now to disturb the stream nor were there at the time and again it was a lot line change application that they reviewed and approved knowing that when it came to requiring site plan, which is the state we're at now, it would have to go back to the Planning Board. If at this time there are questions to answer regarding wetlands, they'll be answered at the Planning Board level.

MR. KONKOL: Any questions from the members of the board on this?

MR. NUGENT: No.

MR. KONKOL: So this is received and filed. Any further questions?

August 24, 1992

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MR. TANNER: My feeling this is the best use for this piece of property.

MR. TORLEY: Only use.

MR. NUGENT: We really don't have anything in our rules and regulations to really to go by to form an addition to a trailer park.

MR. KONKOL: Only thing is I think he requires approval of this board so he can go further.

MR. NUGENT: I understand that and I have no problem with the concept either but I agree with Ted, I think this is the only thing we can do with this piece of property right now.

MR. TORLEY: He clearly is not changing the character of the neighborhood. There's no other economic use for that land and it's not a self-created hardship so.

MR. NUGENT: No additional traffic problems and those, any discussions that would be addressed by the Planning Board.

MR. KONKOL: I'd like to open it up to the public. Anyone here that wants to speak for or against this project? If not, let the record show no one's in opposition and closing it and the only comment that I'd like to make I think that if you visited the park, Mr. Dantas has done a fantastic job. It's one of the nicest parks around and I have no question what he is going to do is going to be an improvement. I'd like to call for a motion to grant the variance.

MR. TANNER: So moved.

MR. NUGENT: I'll second it.

ROLL CALL

MR. NUGENT	AYE
MR. TANNER	AYE
MR. TORLEY	AYE

August 24, 1992

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MR. KONKOL

AYE



MARY McPHILLIPS
County Executive

Rec'd.
ZBA 8/18/92 (PMB)

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

PETER GARRISON Commissioner
VINCENT HAMMOND Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 23 92 M
County I.D. No. 3 / 1 / 28

Applicant Allen Dantas

Proposed Action: Use Variance-Expansion of Mobile Home-Rte 207-East of Square
State, County, Inter-Municipal Basis for 239 Review within 500' of NYS Rte 207 Rd.

Comments: There are no significant Inter-community or Countywide concerns to bring to your attention.

Related Reviews and Permits

County Action: Local Determination XX Disapproved Approved

Approved subject to the following modifications and/or conditions:

August 14, 1992

Date

[Signature]

Vincent L. Soukup
13 Cimorelli Dr.
New Windsor, NY 12553

Rec'd. ZBA.
8/24/92.

8/24/92

CHURMAN FENWICK

Z B A

TOWN NEW WINDSOR

Re: WALTERS TRAILER PARK
EXPANSION REQUEST

→ Enclosed are the TOWN OF NEW WINDSOR
PLANNING BOARD Minutes of 11-14-90 and
12-12-90. I ask that these be entered
into the minutes of your proceedings,
AND THAT THE 12/12/90 minutes be
read in their entirety at your meeting.

→ Questions that I ask are:

- HAS THE APPLICANT RESOLVED THE
U.S. CORPS Wetlands Question? (See p. 36, 11/14/90)
(and p. 23, 12/12/90)
- WAS THE Filling ALREADY DONE APPROVED?
- HAS A SITE PLAN APPROVAL BEEN GRANTED?
(See p 37, 11-14-90)

Thank You.
V. Soukup

DANTAS/NSPCA LOT LINE CHANGE (90-42) ROUTE 207

Mr. William Hildreth of Grevas & Hildreth came before the Board representing this proposal.

MR. HILDRETH: Okay, this was a lot line change that was approached by the Planning Board back on the 4th of September and this was the plan that was approved. What you are looking at is this one over here. I brought an old one so we could see the differences. This is the plan that was approved, the lot line showing the, going to the middle of the stream. The applicants have reconsidered and decided to go with this arrangement.

MR. VAN LEEUWEN: In the middle of the stream?

MR. PAGANO: No way, I won't vote for it.

MR. VAN LEEUWEN: That won't hurt anything, John.

MR. PAGANO: You can't divide a stream.

MR. VAN LEEUWEN: You can't divide water is what he's trying to say.

MR. PAGANO: Moses parted, I am going to tell you right now I am against it right down the middle of the stream, can't have two people on separate sides of the stream. You will never get a--

MR. BABCOCK: I can tell you that the stream should be an easement form so it's just a matter of, I don't, I could assume that there's probably some type of an easement. I am not sure what.

MR. PAGANO: You can zig zag but to go down the middle of the stream is considered poor form. Have you had anything called using natural or natural hazards or anything like that, Mark?

MR. EDSALL: Well, any danger by trying to go down the middle of the stream and you don't define it by metes and bounds the old surveys that used to go from a post to a tree to a parked horse to a stone wall and then a hundred years later when all of it isn't there, I am absolutely serious, you can't reconstruct a survey, I am not concerned about going down the stream.

MR. PAGANO: Ecological movement today, they want the responsibility of the stream maintenance to rest with the specific owner, not the center line of the stream.

MR. VAN LEEUWEN: I think what's more important what we really

should do is concentrate and find out what he actually wants to do with this property before we go any further.

MR. BABCOCK: Let me say one thing too.

MR. VAN LEEUWEN: Can I just, let me finish Mike, I am sorry. At this point, do we really want to increase the Mobile Home Park that is what we have to take into consideration here guys.

MR. PAGANO: Again, I am speaking not as Chairman but as an individual.

MR. LANDER: Which is the new line here, the stream line, right?

MR. VAN LEEUWEN: The stream line.

MR. PAGANO: I am sorry, I interrupted.

MR. VAN LEEUWEN: John, you cut him off before the guy got started.

MR. HILDRETH: Well, as I said, the new line was intending to go down the middle of the stream simply because it's there, it proves to be a very nice natural boundary. As you can see before it was wholly contained within the property owned by the SPCA and there is no easement or anything, it's a stream, its always been there. It will stay there. This is a sewer line easement. That is all.

MR. VAN LEEUWEN: I just asked if that is an easement.

MR. HILDRETH: Yes, this is a sewer line easement. This is the stream and again it was decided once they didn't want to do this to pick a stream because it is a nice natural boundary.

MR. VAN LEEUWEN: Who is the one who didn't want to do it, SPCA?

MR. HILDRETH: It was mutual, otherwise I'll be here until 1 o'clock in the morning is all I can say.

MR. VAN LEEUWEN: Got to be part of a 15 acre tract in order to be part of a wetlands.

MR. LANDER: Federal can be an acre.

MR. PAGANO: A friend of mine did processing of film in Walter's Trailer Park, one of these mobile homes and he discharged some of his chemistry into the back. DEC violated him because this is wetlands. There is a discrepancy DEC said it is wetlands and DEC says it is not wetlands. They have two opinions on this wetlands now I can bring in his violation

certificate that says he violated the wetlands and yet we see materials says it is not.

MR. EDSALL: Probably the Fresh Waters Act or one of those environmental conservation law sections that might is what he is violating as far as discharging into a stream.

MR. LANDER: That is a drainage from across the road, right Mike? That is--

MR. BABCOCK: That definitely winds up in Washington Lake. That comes across the street from Moores Hill Estates and comes down around and returns back underneath the Chocolate Goose.

MR. HILDRETH: Crosses 207 twice.

MR. VAN LEEUWEN: Goes into Brown's Pond, not Washington Lake.

MR. BABCOCK: No, Washington Lake.

MR. EDSALL: Just for clarity on the record, this application was before the Board previously and was approved on the 12th of September with Mr. Dantas taking a larger piece of land. Before it was stamped approved, they came to the realization that mutually I understand that they didn't want to transfer that much property so they are actually back in on the same application, looking to transfer a smaller amount of land so it is not a new application, just keep that in mind.

MR. DUBALDI: Why?

MR. HILDRETH: They could not come to terms on that one.

MR. VAN LEEUWEN: What Dantas is buying, he's buying a huge chunk of wetlands which he can't use either. SPCA has a better chance of using it then he does.

MR. PAGANO: It's not wetlands he's buying in other words, if it's not wetlands, he can fill. If it is wetlands, he can't fill. Which is it. That is my point. And we did see the certificate that says it is not wetlands but I have seen another certificate that says it is wetlands.

MR. DUBALDI: You saw a certificate?

MR. PAGANO: Violation the way it was written up.

MR. VAN LEEUWEN: If it's 15 acres or more, they have control under, they don't have control but it's, if it's part of 15 acres, okay, even though it might be separate deeds, DEC has control. I am well aware of the fact because I have a piece of that. It could be three deeds, four deeds, five deeds, makes

no difference.

MR. EDSALL: If any development is proposed by that parcel as part of the extension for the trailer park, they have to come in for a site plan. This does not authorize any development, just a transfer, alls you are doing is moving a lot line. If anything, to give Mr. Dantas and his trailer park some additional free space. He can't do any development legally without coming back to this Board. We had that discussion.

MR. PAGANO: Am I allowed to request that you get a formal letter from DEC so we can nail this thing down whether it is or it ain't?

MR. EDSALL: We can send them a copy of the map and they will send us back stamped plan if it is or it isn't included in the fresh water wetlands. Do you have a letter?

MR. HILDRETH: Yes, someplace.

MR. EDSALL: We may have a letter. If you care to make that part of any approval action, I can make sure that you have a stamped plan before you stamp it.

MR. PAGANO: I don't want to go over on this one, let's nail this thing down.

MR. VAN LEEUWEN: There's no sense in voting, you are not going to go for the line in the center of the stream.

MR. KRIEGER: Three isn't going to do it.

MR. DUBALDI: What is the problem?

MR. PAGANO: Responsibility of the stream rests with neither owner and the Greenway and Siera Clubs and everything else have been fighting this type of land subdivision. You cannot allow a stream to be a boundary and this way here only one person is responsible for the cleanliness of it. Otherwise, you have a tenant in common and a tenant in common one guy can be polluting and the other isn't and they are both responsible.

MR. VAN LEEUWEN: How about moving the line to one side or the other?

MR. HILDRETH: I can ask him but it's my opinion that this is really the right way to do it because they both have agreed that they want the stream to be the boundary. This is the lot line change but it's being treated like a boundary line agreement.

MR. VAN LEEUWEN: I have no problem with the darn thing but--

MR. HILDRETH: I don't think it poses any inherent problems.

MR. PAGANO: Come back another night when there is more members, fine, but you are not going to get my vote.

MR. VAN LEEUWEN: I will make a motion to approve subject to the line either going one side or the other side of the stream.

MR. PAGANO: No problem.

MR. HILDRETH: I can't do that for my clients because they are not, they couldn't come to terms on this. I can't say anything for them.

MR. VAN LEEUWEN: It's a motion subject to approval that you can move the line either one side or the other.

MR. HILDRETH: I still have got to come back.

MR. VAN LEEUWEN: No, you don't. If they approve the line, Dan or Carl can stamp it.

MR. HILDRETH: One side or the other.

MR. VAN LEEUWEN: Either side, is that a fair answer to the problem?

MR. EDSALL: As long as you will leave this in basically the Secretary or the Chairman's hands to review with me when the plan comes in, fine.

MR. LANDER: I will second it.

MR. HILDRETH: If they don't agree, I have to come back anyway.

MR. PAGANO: If they do agree, you don't have to come back.

MR. HILDRETH: They want to close on this Monday, they have got all the documents written up, all the--one of the things is the area, the money that's going to change hands is effected by the area. If I move this line--

MR. PAGANO: This is not something I could study.

MR. HILDRETH: It's the same thing as this except the property line--

MR. PAGANO: It's not the same thing. We have two different property lines. I am not going to go for it. There's no way that you are going to convince me.

MR. HILDRETH: Based on the fact that there is a minimum number

of members for the vote and you have stated that I appreciate that I would rather come back another time.

MR. PAGANO: This is not a secret ballot.

MR. VAN LEEUWEN: Take the motion the way it is. If you can't change it, you have to come back. This way, you have got a yes or no. You can say look, this is what I have got.

MR. HILDRETH: I can go back and tell them that yes.

MR. VAN LEEUWEN: Roll call.

MR. PAGANO: The motion again.

MR. VAN LEEUWEN: Make a motion subject to--

MR. EDSALL: Just so that we, assuming that you are going to possibly go ahead and conditionally approve it, in answer to your question on the fresh water wetlands, Bill Hildreth gave me a copy from Ruth Bean (phonetic), Regulatory Affairs DEC dated 7th of February that does indicate that it's not the site does not include any lands of the fresh water wetlands protected fresh water wetlands. However, they are noting that if there is any disturbance or work done in the stream or the bed or banks, you'd need a permit, stream disturbance permit. It's a protected and classified stream. The second comment if you are going to make an approval motion, you should just reinforce the fact that you had taken lead agency on the 12th of September and that your negative declaration that you previously made is still valid or is not valid based on this minor change so you should vote on the negative declaration.

MR. VAN LEEUWEN: I make a motion for a negative declaration.

MR. LANDER: I will second it.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Pagano	Aye

MR. VAN LEEUWEN: I make a motion subject to, approve subject to either moving the line to one or the other side of the stream of the bank and adding the two previous conditions that they do in fact get an application with both signatures and also that the deed be reviewed by the attorney to insure that the parcel becomes a combined deed and Mr. Dantas doesn't end up with two parcels, it becomes one parcel.

11-14-90

MR. LANDER: I will second it.

ROLL CALL:

Mr. VanLeeuwen	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Pagano	Aye

DANTAS/WSPCA LOT LINE CHANGE (90-42) ROUTE 207

Mr. William Hildreth of Grevas & Hildreth along with Mr. Dantas came before the Board representing this proposal.

MR. HILDRETH: To make a long story short, this is the same plan that you saw back on the 14th of November. I informed the applicant of the Board's conditional approval based on moving the line to one side or the other and they responded to me through their attorneys that they would wish to remain in the center. I can submit the letters if you wish but the bottom line is this is what they would like to do and it is quite frankly a common sense approach. The centers of streams and roads and what not are quite frequently used as boundary lines. You really need to look no further that is the easterly bounds of the Town of New Windsor.

MR. VAN LEEUWEN: Town of New Windsor is bounded by water.

MR. HILDRETH: But the applicant, this is the applicant's desire so its been brought back before the Board again with that in mind. Does the Chairman wish copies of these letters?

MR. SCHIEFER: Let me put them into the file.

MR. PAGANO: We had four Members of the Board. I was acting Chairman and I refused to vote on this because I felt that the property line down the middle of the stream made the stream property in common and nobody would be responsible for the stream. So, I suggested that the property line be moved on one side of the stream or the other. We voted and gave approval that if they did that, it would go through. But, they did not, they are coming back and they still want to go down the middle of the stream. Nobody is going to be responsible for the stream, that is my opinion, that is all so my feeling has not changed. I am still going to vote no but other Members of the Board have to consider what they want to do.

MR. HILDRETH: It's a maintenance free stream, its always been there. It requires no maintenance to continue its natural state. There has been no responsibility for that stream.

MR. SCHIEFER: I wasn't here when this happened.

However, what's been related to you--

MR. VAN LEEUWEN: John is right in one way but you have to understand half of this town is bordered by streams, that end of town where I live is bordered by the Otterkill Creek, this side by the Hudson River, our town goes right through the center of the Hudson River.

MR. PAGANO: There's a place called the Rio Grande River but that doesn't mean anything but basically changing of the so-called value of life, DEA, Department of Agriculture.

MR. VAN LEEUWEN: DEC.

MR. PAGANO: They are all of the opinion that these streams not be used as boundaries anymore boundary lines down the center of it, it's much harder to control that then enforce by law. Now, the stream doesn't change, well, the bank doesn't change either so if we say put it on one bank or the other bank, in essence, somebody is responsible for it. The reason they are going down the center is that it's a convenience factor to gain more property one side or the other, it doesn't make sense anymore, it used to make sense but if the stream doesn't change, the banks don't change so let them put it on one bank or the other.

MR. SCHIEFER: Anymore comments gentlemen before we have a vote?

MR. SOUKUP: I wasn't at the prior meeting when this was discussed and I would just like to know if any question was raised about the identification of low lying wetlands on the proposed property be changed?

MR. PAGANO: We were assured somehow or another, I don't think this was even clarified yet as to whether this is wetlands, DEC protected or anything like that.

MR. LANDER: That was brought up at the last meeting.

MR. VAN LEEUWEN: We went into that, it's not wetlands, declared wetlands by the DEC.

MR. HILDRETH: It's not a DEC regulated wetlands.

MR. SOUKUP: That doesn't mean it's not wetlands. If you read the DEC letters that are published in the last year 1990, anything less than 12 1/2 acres is now being request to be referred to the Corps of Engineers for

further designation.

MR. HILDRETH: We have a letter from the DEC regarding this property which states that it's not in a regulated wetlands and that a permit would be required to work in the stream, that's it.

MR. SOUKUP: When was that letter dated?

MR. HILDRETH: I'd have to check in the file. I submitted it at the last meeting.

MR. SOUKUP: Didn't it refer you to the Corps of Engineers?

MR. HILDRETH: I'd have to look at it again.

MR. BABCOCK: Mr. Chairman should have it.

MR. SOUKUP: I'm concerned more about--

MR. VAN LEEUWEN: Can I say something to you? Everytime I turn around and I own 83 acres, the wetlands, I can't do diddle with that land, I pay the taxes on it, the State literally controls it and I don't go along with the DEC. I don't. If it's less than 15 acres, it's not controlled by the DEC.

MR. SOUKUP: 12.4.

MR. VAN LEEUWEN: And I'm being controlled by the DEC, I got fined \$500 because people dumped junk on my property. They told me to get it out of there, I didn't even dump it there.

MR. SOUKUP: I'm more concerned--

MR. VAN LEEUWEN: As far as Cuomo and the DEC is concerned, he can stick it. When I talk about the DEC, I get furious, I'm sorry, they're crazy. Not for publication either.

MR. SOUKUP: I'm concerned with this property that the subsequent new owner of the property will in some way fill it for the purposes of future development when in fact he may not be entitled to under the Federal laws of the State, United States and I'm referring to Corps of Engineers wetlands designation. And I don't know how to handle that because this is not a site plan but I'm bringing it to the Board's attention that I think the owner of the, perspective owners should be in some way notified that there may be a Federal designated

wetlands as defined by the Corps of Engineers on this property and he should be aware of that before he intends to use it or further fill it or do anything on it. I am not objecting to the transfer of title with respect to that.

MR. HILDRETH: This letter from the DEC addressed that it's dated February 7th, 1990, it says that your project/site is not in a New York State protected fresh water wetlands.

MR. SOUKUP: Isn't there an attached page that says you should also check with the Corps of Engineers? *

MR. HILDRETH: However, please contact town officials and Corps of Engineers for any permit they might require so he's been made aware of that.

MR. SOUKUP: I'd like to reinforce that for his information so he didn't mislead you about the fact that change of title allows him to use it indiscriminately, Section 404 permit and he should be well aware of it. *

MR. HILDRETH: It goes on further to say that New York State Fresh Water Wetlands stream disturbance requires the permit.

MR. SOUKUP: That is as much as I can do, transfer title but the prospective owner should be aware of that. I would suggest a letter from the Planning Board reiterating the fact that--

MR. SCHIEFER: You don't know who it is-- *

MR. SOUKUP: It's Alan and Kitty Dantas, he's heard the conversation, he's aware of the situation.

MR. VAN LEEUWEN: Let's take a vote.

MR. KRIEGER: Mr. Dantas knows that he has to comply with the laws so if he doesn't in the future, he has to comply with the law. I don't think it's appropriate for the Planning Board to send him a letter to say we have to call to your attention this particular law because if we did that, there'd be no end, you'd have to send him a letter to remind him about the zoning laws and everything you can come up with, that's not the function of the Planning Board.

MR. SCHIEFER: We have it in the minutes that Mr. Dantas is present.

12-12-90

MR. VAN LEEUWEN: Motion has been made and seconded that this has been approved.

MR. PAGANO: Are you rescinding the previous vote we had a vote?

MR. DUBALDI: It was conditional.

MR. MC CARVILLE: Doesn't have to be rescinded.

MR. SCHIEFER: They didn't comply.

MR. EDSALL: Just for the record, they have had two conditional approvals so but in both cases, they have come back to seek an approval in a different form so bottom line is its never been stamped.

MR. KRIEGER: By coming back, they have in essence abandoned the conditional approval so the problem is that however this vote comes out, if this vote it doesn't require action by the Board to rescind the conditional approval, if this doesn't come out the way the applicant wants, the applicant can say well, let's go back to the conditional, they are done, he has waived the conditional approval by further applying.

MR. HILDRETH: Understood.

MR. VAN LEEUWEN: I'll make that motion.

MR. PAGANO: I'll second it.

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	Aye
Mr. Pagano	No
Mr. Soukup	Aye
Mr. Lander	Aye
Mr. Dubaldi	Aye
Mr. Schiefer	Aye

Rec'd. 26A
8/24/92

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 18th day of January, nineteen hundred and ninety-one
BETWEEN

ALLEN DANTAS AND KITTY DANTAS, his wife, residing at 590 Little Britain Road,
New Windsor, New York 12553

party of the first part, and

ALLEN DANTAS AND KITTY DANTAS, his wife, residing at 590 Little Britain Road,
New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100 (\$10.00) ----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, Orange County, New York, being more
particularly described as follows:

BEGINNING at a point in the northerly line of New York State
Route 207 where said line is intersected by the division line
between the parcel herein described and lands now or formerly
of Peak Technical Corp., running thence the following
courses:

1. Along said division line, N 07 degrees 39' 00" E, 190.90'
to a point;
2. N 36 degrees 34' 00" W 24.67' to a point in the center of
Square Hill Road;
3. Along the center of said road, N 53 degrees 26' 00" E
248.75' to a point;
4. Still along said centerline, N 43 degrees 54' 00" E,
214.00' to a point;
5. Still along said centerline, N 46 degrees 09' 00" E,
402.50' to a point;
6. Leaving said road and running along the southerly line of
lands now or formerly of N.Y.S.D.O.T. (Stewart International
Airport) S 61 degrees 37' 30" E 317.00' to a point.

party of the first part, and

ALLEN DANTAS AND KITTY DANTAS, his wife, residing at 590 Little Britain Road,
New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN AND NO/100 (\$10.00)----- dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, being more particularly described as follows:

BEGINNING at a point in the northerly line of New York State Route 207 where said line is intersected by the division line between the parcel herein described and lands now or formerly of Peak Technical Corp., running thence the following courses:

1. Along said division line, N 07 degrees 39' 00" E, 190.90' to a point;
2. N 36 degrees 34' 00" W 24.67' to a point in the center of Square Hill Road;
3. Along the center of said road, N 53 degrees 26' 00" E 248.75' to a point;
4. Still along said centerline, N 43 degrees 54' 00" E, 214.00' to a point;
5. Still along said centerline, N 46 degrees 09' 00" E, 402.50' to a point;
6. Leaving said road and running along the southerly line of lands now or formerly of N.Y.S.D.O.T. (Stewart International Airport) S 61 degrees 37' 30" E, 317.08' to a point;
7. Still along said line, S 61 degrees 51' 00" E, 196.11' to a point;
8. Running along the division line between the parcel herein described and lands now or formerly of Newburgh Society for the Prevention of Cruelty to Animals (N.S.P.C.A.), along the approximate center of Silver Stream, S 01 degrees 55' 22" W, 177.76' to a point;
9. Still along the same, S 70 degrees 54' 45" W, 134.41' to a point;

10. Still along the same, S 56 degrees 46' 24" W, 168.20' to a point;
11. Still along the same, S 49 degrees 47' 32" W, 193.09' to a point;
12. Still along the same, S 55 degrees 04' 32" W, 177.29' to a point;
13. Still along the same, S 23 degrees 51' 54" W, 160.11' to a point in the northerly line of New York State Route 207;
14. Along said line, N 72 degrees 02' 38" W, 14.92' to a point;
15. Still along said line, S 18 degrees 02' 26" W, 10.55' to a point;
16. Still along said line, N 73 degrees 37' 00" W, 48.36' to a point;
17. Still along said line, N 72 degrees 06' 00" W, 426.55' to the point or place of BEGINNING.

CONTAINING 12.20 Acres of land more or less.

EXCEPTING from the above described premises, all that lies within the Right-of-way of Square Hill Road.

BEING and intended to be the premises conveyed by Irene Jacobi to Alan Dantas and Kitty Dantas by deed dated November 1, 1982 and recorded in the Orange County Clerk's Office on November 5, 1982 in Liber 2236 of Deeds at page 873 and the premises conveyed by Newburgh Society for the Prevention of Cruelty to Animals to Alan Dantas and Kitty Dantas by deed dated January 1991 and intended to be recorded simultaneously herewith in the Orange County Clerk's Office.

This deed is made to record a perimeter description of the property previously owned by the grantors with the property conveyed to the grantors by the Newburgh Society for the Prevention of Cruelty to Animals pursuant to a lot line change filed simultaneously herewith between the grantor grantees and the Newburgh Society for the Prevention of Cruelty to Animals.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



ALAN DANTAS

Allen

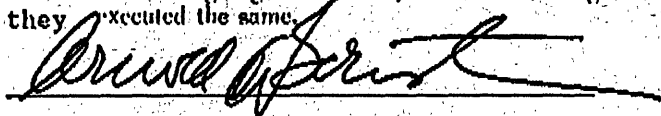


KITTY DANTAS

On the 18th day of January 1991, before me personally came

ALAN AND KITTY DANTAS

to me known to be the individual s described in and who executed the foregoing instrument, and acknowledged that they executed the same.



ARNOLD A. BERNSTEIN
NOTARY PUBLIC, State of New York
No. 0270150
Qualified in the County of Orange
Commission Expires October 31, 1993

STATE OF NEW YORK, COUNTY OF

551

On the day of 19 , before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides at No. ;

that he is the
of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

551

On the day of 19 , before me personally came
the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. ;

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No. _____

ALAN DANTAS AND KITTY DANTAS

TO

ALAN DANTAS AND KITTY DANTAS

SECTION

BLOCK

LOT

COUNTY OR TOWN

Town of New Windsor

County of Orange

RETURN BY MAIL TO:

ARNOLD A. BERNSTEIN
102 Windsor Highway
New Windsor, New York 12553

Zip No.

Reserve this space for use of Recording Office.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----x
In the Matter of Application for Variance of

Allen Dantas,

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

92-6-----x

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On August 6, 1992 I compared the 25 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
5th day of August, 1992.

Cheryl L. Canfield
Notary Public

CHERYL L. CANFIELD
Notary Public, State of New York
Qualified in Orange County
4881654
Commission Expires December 29, 1994

(TA DOCDISK#7-030586.AOS)

#92-6



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

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March 24, 1992

Grevas & Hildreth, P.C.
33 Quassaick Ave.
New Windsor, NY 12553

Re: Variance List 500 ft/ 3-1-27.1 & 28 (DANTAS)

Dear Mr. Hildreth:

According to our records, the attached list of property owners are within five hundred (500) ft. of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00. Please remit balance of \$20.00 to the Town Clerk's Office.

Sincerely,

A handwritten signature in cursive script that reads 'L. Cook'.

LESLIE COOK
Sole Assessor

LC/cad
Attachment
cc: Pat Barnhart

NYS Dept. of Transportation
Stewart Airport
PO Box 6100
New Windsor, NY 12553

County of Orange X

Rowell, Raymond A.
PO Box 4976
Woodland Park, Colorado 80866

Newburgh Society for the Prevention of Cruelty to Animals
564 Little Britain Rd.
New Windsor, NY 12553

Peak Technical Corp.
594 Little Britain Rd.
New Windsor, NY 12553

Herschel, Herman
Rte. 209
Wurtsboro, NY 12790

New Windsor Power Equipment Corp.
602 Little Britain Rd.
New Windsor, NY 12553

Sakadelis, Stephen
36 Square Hill Rd.
New Windsor, NY 12553

V.S.H. Realty Inc. - V0835
777 Dedham St.
Canton, MA 02021

Sakadelis, Angelo
31H Toleman Rd.
Rock Tavern, NY 12575

Vails Gate Fire Company Inc.
Route 94
New Windsor, NY 12553

Minuta, Vincent & Jean
165 Toleman Rd.
Washingtonville, NY 10992

Pellechia, Fred & Edith
603 Little Britain Rd.
New Windsor, NY 12553

Rizzo, Angelo
601 Little Britain Rd.
New Windsor, NY 12553

De Laune, James H. & Amelia
6 Weather Oak Hill
New Windsor, NY 12553

Walker, James J. & Mary Anne X
21 Weather Oak Hill
New Windsor, NY 12553

Bauco, Lino & Frank & John Paladino X
3 Weather Oak Hill
New Windsor, NY 12553

Orr, Howard A. & Terry L. X
595 Little Britain Rd.
New Windsor, NY 12553

Christie, Anthony J. & Sandra L. X
593 Little Britain Rd.
New Windsor, NY 12553

Ambury, John P. & Frances L. X
591 Little Britian Rd.
New Windsor, NY 12553

Hogan, Daniel J. & Ann Marie X
342 Shelly Rd.
New Windsor, NY 12553

Moore's Hill Estates Inc. X
c/o Jacob Deutsch
1 Kennedy Court
Monroe, NY 10950

Rotwein, Perry & Franke X
583 Little Britain Rd.
New Windsor, NY 12553

Mehmed, Paul M. & Cecelia M. X
5 Weather Oak Hill
New Windsor, NY 12553

Ladrick, Bruce C. & Linda S. X
7 Weather Oak Hill
New Windsor, NY 12553

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 92-6

1. Municipality Town of New Windsor Public Hearing Date 8/24/92
☐ City, Town or Village Board ☐ Planning Board ☒ Zoning Board

2. Owner: Name Dantas, Allen
Address 590 Little Britain Rd.

3. Applicant*: Name Same
Address _____

* If Applicant is owner, leave blank

4. Location of Site: (Northside) Route 207 (Walters Mobile Home Park) - East of
(street or highway, plus nearest intersection) Square Hill Rd.

Tax Map Identification: Section 3 Block 1 Lot 27.1 & 28

Present Zoning District NC Size of Parcel 7.7 acres ±

5. Type of Review:

Special Permit: _____

Variance: ☒ Use Expansion of mobile home park -

Area (See attached applications)

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

7/30/92
Date

Doricia C. Baumhart, Secy.
Signature and Title

PLS. PUBLISH ON OR BEFORE 8/6/92. SEND BILL TO: APPLICANT AT BELOW ADDRESS.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 6

Request of ALLEN DANTAS

for a VARIANCE of
the regulations of the Zoning Local Law to
permit expansion of mobile home park in neighborhood
commercial (NC) zone;

being a VARIANCE of
Section 48-9 - Table of Use/Bulk Regs.-Col. B1 (NC)
for property situated as follows:

Route 207 (Walter's Mobile Home Village), New Windsor,
N. Y., known and designated as tax map Section 3 - Blk. 1
Lots 27.1 and 28.

SAID HEARING will take place on the 24th day of
August, 1992, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman
By: Patricia A. Barnhart, Secretary

Date 4/27/12, 19.

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12550

TO Frances Roth 359 Means Hill Rd DR.
New Windsor, NY 12553

DATE			CLAIMED	ALLOWED
4/13/12	Zoning Board Meeting		75 00	
	Misc - 2 pgs		9 00	
	De Dominicus - 7		31 50	
	Betts - 7		31 50	
	Stent - 7		31 50	
	Morin - 29		130 50	
	Dantas - 12		54 00	
			363 00	

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DANTAS, ALLEN

MR. FENWICK: Referred by Planning Board. Request for use variance for expansion of Walter's Mobile Home Village which the use is not permitted in NC zone. (3-1-27)

Mr. Allen Dantas came before the Board.

MR. DANTAS: I apologize Bill could not make it, it's beyond his control.

MR. FENWICK: This is Allen Dantas referred by the Planning Board. Request for use variance for expansion of Walter's Mobile Home Village which use is not permitted in an NC zone. This got held over from the last meeting because we didn't have sufficient members here to look at it and Bill thought that it would be a better idea if we had a majority to take a look at this situation. It's kind of a a crazy situation. You're only allowed to increase by 30 percent non-conforming use of a structure. We don't have a structure here and he's bought up additional property, it's almost an interpretation or a finding, you know, of increase of a non-conforming use.

MR. TORLEY: Where is the zone boundary here?

MR. BABCOCK: Here.

MR. TORLEY: Where did you buy the extra property?

MR. BABCOCK: Right here.

MR. TORLEY: And this whole--

MR. BABCOCK: No, the zone boundary is back here.

MR. TORLEY: The whole thing is what?

MR. BABCOCK: This is NC, the whole length of 207.

MR. TORLEY: So he bought a piece, he has existing trailer park, he bought another piece of land zoned NC and wants to get a use variance to--

MR. FENWICK: Increase the size of his trailer park.

MR. TORLEY: Doesn't he have to, correct me if I am

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wrong, wouldn't that have to show a use variance with all the criteria for the hurdles for use variance?

MR. LUCIA: That is what we discussed the last time. I think the board pretty well resolved that he was not really eligible for the 30 percent expansion that section 48-24B3 provides for extension of structures used for non-conforming uses and it comes under the 30 percent based on a number of structures count in terms of the increase. I don't really think the drafters of the ordinance had this in mind when they wrote that section of the ordinance.

MR. TORLEY: This is converting additional lands not just additional construction on a given piece of land?

MR. LUCIA: Exactly.

MR. LUCIA: So I think the consensus of the board was he really has to apply for a use various, correct me if anybody has a different recollection.

MR. FENWICK: There was several things brought up by Mr. Hildreth which we had told him to address at this time. The three criteria looking for use variance and when we went over it the last time, he did have, he was going to address them. I'll put it onto Mr. Dantas if in fact he has that evidence or--

MR. DANTAS: I'll try to help in trying to say what is necessary but I'm not prepared for that. Besides being here just come back from the doctors and I have a terrible sore throat besides speaking broken English most of the time but I'll try.

MR. TORLEY: Would you prefer to just schedule for another preliminary?

MR. TANNER: Would you rather schedule it for a different time?

MR. DANTAS: I'll try. Mr. Hildreth, he wanted to be here tonight but he can't. I just called his house.

MR. TORLEY: Looking at the preliminary hearing is a way to get the information from the applicant because he has to come to a public hearing and he has the absolute right for a public hearing so.

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MR. LUCIA: One of the things we need to establish that we had asked Bill to come back with some indication on what use group we pigeonhole this in. There's absolutely nothing in the NC zone that's really close. The closest you can get would be Column A, use 3, parks or Column A, use 10, service establishments furnishing services other than of a personal nature, neither one really comes close to the applicant's use. There's also the issue interplay with the Mobile Home Law that obviously he's subject to and question arises whether or not the bulk requirements of the Mobile Home Law by themselves would supersede any use column in the Zoning Ordinance bulk tables. There isn't really a clear answer to that. I did some research on it and there's an interesting interplay of the sections of the ordinance. The mobile home bulk requirements of 27A-17 and 27A-19 would seem to apply. The trouble is that 27A-73 of the Mobile Home Law says if there's a conflict between the Mobile Home Law and you any other law which would include zoning local law provision of the higher standard shall prevail so it would seem like that's designed to make him jump over both hurdles. He needs to satisfy the requirements of Mobile Home Law plus whatever use we establish in the NC zone. Also, Mobile Home Law 27A-76 says mobile home laws must be read in conjunction with the Zoning Ordinance so I'm not sure we can opt out of the Zoning Ordinance standards and just say he needs to meet Mobile Home Law requirements.

MR. DANTAS: We're being referred to this board by the Planning Board so we're here because they couldn't decide and they said well, we're throwing it in your lap.

MR. FENWICK: We know that they do that all the time.

MR. DANTAS: It's a Catch 22.

MR. LUCIA: You're in the right place. This board is the appropriate board to decide your use and area variance applications. The issue we have is what you're proposing was not really contemplated by the people who drafted the zoning code. So therefore, we have to kind of pick a pigeonhole and fit you in it and go from there.

MR. TORLEY: Be more logical first ask if the applicant can meet the criteria for a use variance in general

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first. Once that hurdle is passed, if it is, then the next thing would be to consider now does this mobile home desired use how does that fit in.

MR. FENWICK: Those are the things we asked Mr. Hildreth to come up with because the piece of property is is too narrow for anything in and NC zone, the dimensions are poor, can't be used for anything actually and he was going to check to see what kind of geology was concerned with it to make sure that they could not put an any kind of and NC structure on it. He was supposed to check into some of that stuff.

MR. DANTAS: We didn't come because we planned that way, it's already happened. This as you can see, we had property line there with some of the homes being protruding in the other land, it was proposed to us that we and we bought knowing fully well that we had an easement of a sewer line right in the middle of the property. We diminished the use of that land even further. Even though my circumstances did not allow me to bargain with the people because I didn't really have any leverage, I had to invest a substantial amount of money to acquire that property and bring it in front of this board. We're currently trying to put 30 percent contrary to mobile home codes, 30 percent of the 72 homes to 21.5, 21 homes we're presented with 15 or 16, I think we're going to reduce further to please the Planning Board because that's the only hangup they want is a little bit more area for the recreation. So we're trying to bend backwards accommodate all the parties involved.

MR. FENWICK: If you take a look at that site plan Larry, look where the former property line was, they have sheds and trailers. Those are existing now. They have been existing, you know since--

MR. DANTAS: Ffurthermore, we build a retaining wall of two foot high in stone in the perimeter of this to protect that area which is Silver Stream, correct which is valuable to us and also part of the Newburgh, City of Newburgh watershed supply. So we're here now in this situation and I probably would not be able to answer all the questions and all the requirements of the town but we have to come here.

MR. LUCIA: One of the questions we asked Bill Hildreth and I don't know if you are prepared to answer it

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whether are not you needed any variances from the Mobile Home Law bulk requirements?

MR. DANTAS: No, we don't. No, we don't.

MR. LUCIA: Because this board apparently has no power to grant you that variance.

MR. DANTAS: These lots here were conforming with the state and local ordinances and the Board of Health also which is another one that we have to go beyond. Looks like mobile homes have to conform with everybody's books and laws.

MR. TORLEY: And it's okay to build a road over a sewer easement?

MR. BABCOCK: Yes.

MR. TANNER: That's why that lot is effectively not good for much else because of that easement.

MR. BABCOCK: Right, exactly.

MR. TORLEY: The question arises what else could you use this land for but build a road over the easement. A person could build an access to a commercial structure over that easement.

MR. TANNER: The property is too small to build a structure.

MR. BABCOCK: It's 50 by 100.

MR. TORLEY: And the minimum he needs is?

MR. BABCOCK: Five thousand. So it is 50 by 120.

MR. DANTAS: In any of the structures over there we have to be counting height because of the airport now.

MR. TANNER: Couldn't even go up.

MR. DANTAS: No.

MR. TORLEY: What's the minimum lot size for any structure in a NC zone?

MR. BABCOCK: Depends on what you want.

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MR. TORLEY: Smallest?

MR. BABCOCK: Ten thousand square feet.

MR. TORLEY: Insofar as the land area, strictly the area forgetting access, it would meet the requirements for putting up commercial structures?

MR. FENWICK: Yes.

MR. BABCOCK: Except for access problems.

MR. TORLEY: No matter any NC use, any use that's designed for NC zone would still need a variance for road frontage?

MR. BABCOCK: I don't think they can ever get access because that's where the stream crosses 207.

MR. FENWICK: That's not going to be an access point?

MR. DANTAS: No, in that park with the DOT we're already covered, our access is through the original road.

MR. TANNER: Any structure you build will end up over the easement anyway.

MR. LUCIA: The applicant is consolidating this new piece with the existing piece so that eventually will be the same lot.

MR. DANTAS: This project is for the dead end road. Our proposal is to make this road loop around here. We can move this home to here and this would be part of it, this entrance to the park will be this road, Square Hill Road to 207.

MR. TORLEY: Certainly improve access for emergency vehicle.

MR. DANTAS: Absolutely.

MR. TORLEY: I have no problems with this, if you'd like a motion to set him up for a public hearing, I'd like to hear more about it.

MR. FENWICK: I'd like to right now ask Mr. Lucia to

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present him with the questions for use variance so we have an idea ahead of time.

MR. TANNER: Can we set him up for a public hearing? Do we have him pigeonholed?

MR. LUCIA: We have establish a use group because we may need area variance once we do that might as well handle that. I'd be happy to give him use variances, that's a tougher hurdle. On the use variance application, you may have an area variance application also but let's just discuss the use variance for the moment. The legal standard for this board to grant you a use variance is something called unnecessary hardship. There are three things you need to establish for this board to find unnecessary hardship. First the land cannot yield a reasonable return if used for any use allowed in the zone as it's presently zoned. That really requires dollars and cents proof. I'll leave it to you and Bill Hildreth to decide whether or not you want to go to the expense of hiring real estate appraiser to come in and give us real dollars and cents proof but you need to establish that very clearly. The second you need to show that your problem is unique, that there's no other parcel of land in town or nearby that has a similar problem to yours. And the third is that the use variance will not alter the essential character of the locality. So that's a three-part task. And although not part of the three steps, another factor that's relevant on use variance, you must show that the problem you have is not self-created, that what you did in acquiring additional land by itself did not cause you the problems you're seeking relief from. Those are the tasks on the use variance. You may also need some areas variances depending on what the board says about your use group table there.

MR. BABCOCK: Allen, we'll make sure that Bill Hildreth gets a copy of the minutes so he understands what you're going to require if there's a public hearing set up.

MR. TORLEY: To me, the highest hurdle for the use variance you have to meet is the self-created hardship since he bought the land as this NC. I'd like to hear the reasons for that. Because that to me is the highest hurdle. Uniqueness is kind of obvious for this piece of property.

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MR. FENWICK: Character of the neighborhood, it's already a trailer park.

MR. TORLEY: To me, the real hurdle is the self-created hardship.

MR. LUCIA: And the reasonable return, you can come in and show what you paid for the piece of property. You said you didn't have a lot of leverage in negotiating, maybe to get a reasonable return, you do know this kind of intensive use.

MR. DANTAS: Would have cost a lot to remove ten families, 11 families effected by this problem that I had which I consulted a lawyer and one of the things he said well those homes have been there for over ten years, since 1951 they were there most of them, some of them are newer but used the same spot. We can just take the land and that would have been and probably would not be in the best interest of the park, the town and anybody else involved also by acquiring that, we solve the problem of access to the street and the other end which would make things a lot more desirable for emergency vehicles that we need to take care of the citizens that live there, so I don't think we have a problem determining the fact that that's something that we had no choice.

MR. TANNER: Where are we going to pigeonhole him? We keep getting back to that one.

MR. LUCIA: I guest closest one is clubs.

MR. BABCOCK: Anywhere from 6 to 16 would be the least amount of requirements cause it's not going to meet any one of them.

MR. LUCIA: Ten might work in that section.

MR. BABCOCK: Front yard, I don't know what we call front yard, side and rear yard.

MR. FANWICK: In the trailer park law are there side yards that have to be maintained with the trailer park?

MR. BABCOCK: No, there's just separation distances between.

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MR. FENWICK: Distance from property lines?

MR. BABCOCK: Yes.

MR. TORLEY: Forty feet from any property, public street or 30 feet from any other.

MR. BABCOCK: Thirty feet from any property line.

MR. FENWICK: Is he achieving that?

MR. BABCOCK: I think he probably can achieve most of them.

MR. LUCIA: He has to because we have no power to vary that.

MR. FENWICK: I want to make sure that he is falling into that.

MR. BABCOCK: Even if he uses NC, six through ten, he has 10,000 square feet. He has 100 foot lot width, he had 40 foot front yard, I'm sure somewhere from 207 in to the first trailer. I'm sure the recreation area would give him total of 35 if he called that front and side yards 15 over 35 and 15 foot rear yard, I'm sure he has it on lot 15.

MR. LUCIA: Mobile home standards.

MR. BABCOCK: Thirty feet he'd have to be 30 feet from any park boundary and building height is not a problem, floor area ratio is not a problem so we can probably demonstrate somewhere on this plan that he meets.

MR. FENWICK: We can do that and fall back to the Mobile Home Law as being our next step down and make sure he's meeting all of that.

MR. LUCIA: Exactly.

MR. TORLEY: One thing must have changed. My copy is dated 12/25/71 Mobile Home Law.

MR. BABCOCK: As far as 30 foot and 40 foot, that's the same, I know that.

MR. TORLEY: Recreation area they want 500 square feet?

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MR. LUCIA: That's an issue the Planning Board is dealing with.

MR. TORLEY: You were saying?

MR. BABCOCK: Sure, we meet.

MR. LUCIA: For the new lots, he's far in excess on recreation. The Planning Board is saying they want to add a little extra to accommodate the existing trailers. And I think you're negotiating dropping some of the lots you see in exchange for adding recreation area but as to this particular new piece, he's far in excess of it.

MR. BABCOCK: As far as recreation area for this new 15 lots, he's exceeded the amount that's required by that book but not for the entire parcel.

MR. FENWICK: But he's willing to concede even more.

MR. TORLEY: We can not vary anything in the Mobile Home Law so I want to make sure.

MR. FENWICK: I want to make sure he's falling into that. That's our next fallback we've got to fall back to that situation and make sure he's hitting that.

MR. TORLEY: It would be silly to grant him the use variance and find out he didn't meet, find out we couldn't do anything because he didn't meet the Mobile Home Laws.

MR. BABCOCK: I can go over it with Bill Hildreth so that we can demonstrate what we call front, rear and side yards here and if he can't meet something, he will have to go for that area variance from this bulk table.

MR. FENWICK: But right now, I'd say the way you can look at it very Bill come in, try to get a hold of the copy of the minutes and find out exactly what we're looking for so you know that you are all set up when you come back in here with all your arguments. I can see in the back of my mind you've got several of them and the biggest one you want the dollars and cents one. We need that in front of us and that's basically the thing that I am looking for.

MR. BABCOCK: Typically, he has to meet the Mobile Home

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Ordinance for the Planning Board to approve this. So he has to meet the setbacks for each mobile home or I wouldn't even give him a building permit.

MR. LUCIA: We probably should pigeonhole him in something specific. I know this is not easy.

MR. BABCOCK: How about again 6 through 16?

MR. LUCIA: If we're going to say a mobile home is like anything that's 6 through 16, it may come back to haunt us.

MR. TORLEY: May I suggest eating and drinking places because that's something you're going to do in the mobile home of all the absurd connections, that's the least absurd.

MR. BABCOCK: How about B1 which is living quarters. That's something that's the only thing I can see that's even--

MR. TANNER: Sure.

MR. NUGENT: That's fine.

MR. LUCIA: That's going to need a special permit.

MR. BABCOCK: We're only picking that use group so we can use that column of requirements. I don't know.

MR. LUCIA: He has to go before the Planning Board for mobile home anyway if we say for this particular application, it's a special permit. I guess that gives them a second bite at the apple and avoids somebody using as a precedent to bootstrap themselves into a non-special permit application. Might not be a bad idea.

MR. FENWICK: Sounds good to me.

MR. TORLEY: I agree.

MR. FENWICK: Any other questions?

MR. NUGENT: I'll make the motion we set him up for a public hearing.

MR. TANNER: I'll second that.

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ROLL CALL

MR. TORLEY	AYE
MR. TANNER	AYE
MR. NUGENT	AYE
MR. FENWICK	AYE

MR. FENWICK: There's a copy of the Planning Board minutes in reference to this case. We have the Planning Board minutes prior to the last meeting.

MR. TORLEY: I missed the last meeting so I didn't get the Planning Board minutes.

MR. FENWICK: The meeting previous to the last meeting we got Planning Board minutes that had this case in it, it's worth reading, okay. The only thing that I think they really had a problem with was recreation area and they're going to work something out. I mean, it's not, it seemed reasonable to me.

[illegible]

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~~PRELIMINARY MEETING: DANTAS ALLEN~~

MR. FENWICK: This is referred by the Planning Board. Request for expansion of mobile home park which is not a permitted use in the NC zone. Will require either a finding per Section 48-24(B)(3) or use variance. Location: Walter's Mobile Home Village on Route 207.

William Hildreth, L.S. of Grevas and Hildreth came before the Board representing this proposal.

MR. HILDRETH: What this proposal is is an expansion of existing Walter's Mobile Home Trailer Park. It's currently a pre-existing nonconforming use in the NC zone. Currently there's 72 units on 7.42 acres. The proposal is for 15 new units on 4.28 acres that were acquired from the adjoining property owner under a lot line change that has been approved by the Planning Board. That will bring it to a total of 87 units on 11.7 acres. Under the 30 percent allowable expansion criteria, there is only a 21 percent expansion. However, the Planning Board has referred it to this Board for an either/or situation, either a finding or if that isn't appropriate, a delineation of what variances need to be sought. Use variance and then whatever bulks would apply. That is the extent of the proposal.

MR. LUCIA: That 21 percent is just based on the increase in the number of units not acreage involved?

MR. HILDRETH: Correct, it's unit.

MR. LUCIA: There's something the Board might want to just take a minute to look at and specifically the section of the ordinance 48-24(B)(3) and that section refers to extensions of structures and I emphasize the word structures used for nonconforming use and allows up to 30 percent of the ground floor area of the structure.

Obviously, this proposal is somewhat outside the strict letter of that provision of the zoning ordinance. I am not sure whether the Board wants to expand it to include this type of an application or whether you feel that the applicant needs to come in for a use variance.

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Obviously, when you're dealing with structures, I think it's certainly in the drafter's mind envisions the situation where you have a structure of given area and you're not adding more than 30 percent of floor area of that structure.

In this case, you're adding the total number of mobile homes and asking for less than 30 percent of that number of additional mobile homes. So, I'm going to leave it up to the Board whether they feel that provision of the ordinance is the one the applicant should proceed under.

MR. HILDRETH: If that provision doesn't cover, we have to seek the use variance?

MR. FENWICK: Bill, this lot line change or whatever was it the new section over here was it owned by your client or was it --

MR. HILDRETH: It currently is owned now.

MR. FENWICK: Was it owned or did he purchase it?

MR. HILDRETH: He purchased it.

MR. LUCIA: And it's now amalgamated into a single tax lot?

MR. HILDRETH: At one time, I thought it was, I still think it may be however, the current tax maps as they came out this past month, still showed it as two tax lots. It's under single ownership. The intent was to combine it; so if it's not under a single tax lot, it will be before this is all over. Currently, the same owner, however.

MR. FENWICK: How long ago was this purchased?

MR. DANTAS: Over a year ago.

MR. HILDRETH: It's been over twelve months, I can pull the date out.

MR. FENWICK: This is recent purchase?

MR. HILDRETH: It's less than two years, yes.

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MR. LUCIA: Chairman's question is something the Planning Board considered when the applicant purchased additional land and amalgamates it to land which had a pre-existing nonconforming use is that really what is intended by nonconforming use where you enlarge the area of it by a new purchase rather than your enlarging existing nonconforming use on the original lot. It's a question --

MR. HILDRETH: We're showing what appeared to be lots and numbers to show how many units can fit it here. They are not really lots, they are subdivision. It's to show that the spacing and the layout conforms to the current requirements for trailer sites in terms of square footage and separations.

MR. NUGENT: I thought the new lot size was supposed to be 15,000 square feet per unit, wasn't it? The new lot size for --

MR. HILDRETH: It's 5,000.

MR. NUGENT: Just got to have the setbacks, got to have the distances from the next trailer?

MR. BABCOCK: Right.

MR. HILDRETH: That's a function of a minimum lot width of I believe, 50 feet.

MR. BABCOCK: Needs 30 feet in between mobile homes, 25 feet end to end, 25 feet from an accessory structure.

MR. NUGENT: There's really nothing that clearly spells out what this is. We have gone through this before.

MR. FENWICK: We have gone through it before where they have wanted to increase before you were on the Board, Dan, where they wanted to increase trailer parks but on the existing piece of property, not that they have increased the property and then go, it's kind of a strange situation. I don't think it's been addressed.

MR. NUGENT: That piece of property still becomes contiguous with the other piece of property.

MR. FENWICK: I realize this but not that we did set a precedent but it would definitely look at something

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that could be established as law somewhere along the line that what are we doing here, you know, it's okay to increase but this parcel of property from what I can tell was bought for this purpose.

MR. NUGENT: Oh, sure.

MR. LUCIA: I guess if the interplay if you look at the use along with use, that the addition area, I guess, would exceed 30 percent, would it not?

MR. HILDRETH: It's an addition of 4.8, it's over 50 percent.

MR. LUCIA: But the number of structures is under the 30 percent?

MR. HILDRETH: Put another way, obviously, the density we're proposing here is considerably less than what is existing. Is that where you are headed with that?

MR. LUCIA: Is the stream the property line on this side, it's a natural --

MR. HILDRETH: Natural boundary and it took a while to get that done that way. The Planning Board seemed at one point in time a little reluctant but I felt that it was the best way to do it because it's a natural, this belonged to the S.P.C.A. which was a very large piece of property, they had no use for it. They needed 10 acres to maintain the kennel status which they still have so it didn't hurt this property at all. And it naturally would attach itself to the trailer park.

MR. FENWICK: This is NC zone?

MR. HILDRETH: Correct. Mobile homes is a, not a permitted use in that zone.

MR. FENWICK: I don't think mobile homes are permitted anywhere.

MR. HILDRETH: So, they are all nonconforming, this has been there, I don't know how long it's been there. It's been there a long time.

MR. LUCIA: Does the applicant know how long this has been used as a trailer park?

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MR. DANTAS: Since 1951.

MR. HILDRETH: When did you purchase it?

MR. DANTAS: 1982.

MR. LUCIA: There's some tough issues present, the Board itself may decide to get the input of the additional Board members also before we really send the applicant off in one direction or another, that's a possibility I didn't mention.

MR. HILDRETH: What we'd like to do, obviously, if we can come back for a variance and a public hearing we'll address all the issues so that hopefully when we go back to the Planning Board, they won't come up with another one that needs to have a second variance. Not that this would happen just when something is this complicated, the possibility exists.

MR. NUGENT: I basically don't have anything wrong with the concept. I don't know what to base my decision.

MR. LUCIA: Neither did the Planning Board. The Planning Board referral came in as an interpretation, use variance, expansion up to 30 percent and an area variance.

MR. TANNER: Just get it out of here.

MR. LUCIA: We got it for all purposes.

MR. FENWICK: One of the things that they addressed at the Planning Board was the recreation situation which I guess is a, could be a possible hassle in here in that if we are depending on what we are looking at, if we're looking at the increase of concept, I don't know whether you read the minutes or not, they very well may not be able to have 15 sites. They may be down to 12, something like that because one of their problems over there that I read in the minutes they wanted an increase in recreation lands.

MR. HILDRETH: Right.

MR. FENWICK: What I'm trying to say if we were to go ahead and look at this concept exactly the way we're

looking at it and blow it through here, you're going to get it back there and they are going to turn on you anyway.

MR. HILDRETH: Any variance we gain here would still hold strong, it's a decrease in units, the proposal here is for 15 units. There's no way we could put anymore on here. It's possible it might be one or two less, depending on, how the Planning Board looks at the recreation issue. I don't know that recreation area in terms of the square footage is something that the variance needs to cover.

MR. FENWICK: This former lot line, Bill, just out of curiosity, went right through some of the trailer sites?

MR. HILDRETH: Yes, how about that. Until Joe's surveyor got out there nobody knew that but now that goes away because he purchased the property but that didn't come to light until after I did the survey in preparation of doing the lot line change.

MR. NUGENT: We discussed not having anything in our code book to base this on. Now, why would we be looking for a use variance?

MR. LUCIA: Because the trailer park is not permitted in the NC zone.

MR. NUGENT: Not permitted in any zone.

MR. FENWICK: Doesn't make any difference.

MR. NUGENT: You're right back to square one with a decision and nothing to base it on.

MR. LUCIA: Under traditional use variance, he'd have to establish the three tests.

MR. NUGENT: That is a lot harder to do.

MR. BABCOCK: Mr Chairman, would this, when we are looking in the book here as far as nonconforming buildings and the standards for the building, the section of the code we are using here is nonconforming nonresidential uses. If you go to Section C, it says nonconforming residential use and if you consider this

a residential use, it goes on to tell you that any residential use existing on the date of this local law or which becomes nonconforming because of zoning changes is a local law if the use was permitted by right and shall be exempt from the provisions above.

I don't know whether that section applies but possibly if it did, and he complies with lot area, lot width, depth, yard and lot coverage, there's a possibility that he wouldn't need to seek a variance.

MR. HILDRETH: Based on the fact that the proposed expansion does comply.

MR. BABCOCK: I think what we need to determine is it a nonresidential use or is it a residential use?

MR. NUGENT: It's absolutely a residential use.

MR. LUCIA: But there is an entirely --

MR. TANNER: More so is it an expansion of existing or is it new?

MR. BABCOCK: I think what the code says is as long as you have, if you have a residential use on a piece of property, as long as you don't make it anymore nonconforming, then what it already is --

MR. NUGENT: He's really not doing that.

MR. BABCOCK: Based on lot coverage, which he not, based on depth, lot area, lot width --

MR. NUGENT: He has all that.

MR. HILDRETH: And if you look at it in terms of overall density, we're probably decreasing.

MR. BABCOCK: Normal maintenance or repair, structural alterations, moving, reconstruction or enlargement of a nonconforming building is permitted providing that such action does not increase the degree of nonconformity.

MR. LUCIA: Obviously, this is a problem but was not anticipated by the drafters of the code and I appreciate Mike phrasing that section. Residential use is not defined in the code. There's entirely separate

chapter having to do with mobile homes. So, I'm not sure if the reference in 48-24C to lot area, width, or depth, yards, lot coverage or minimum livable floor area per dwelling unit really are incorporated within the mobile home chapter of the ordinance. They are two entirely different chapters with two entirely different sets of regulations.

MR. NUGENT: Don't we have a mobile home chapter?

MR. LUCIA: 27A

MR. FENWICK: I'm going to look at it another way just out of curiosity, to look at it as a use variance, I'm looking as to what is allowed in an NC zone, I mean to look down this list right here and to compare it to this piece of property, you don't have it, I mean there's nothing on this list that's going to go there.

MR. LUCIA: The only thing that is even arguable use is Column A use 3 for parts but that I think --

MR. FENWICK: If you get a reasonable return for your money, are you going to do it, I don't think with that piece of property, I don't know what kind of a water problem you've got but you're a little low lying with the stream, aren't you?

MR. HILDRETH: What you have got, see the stone wall here, there's some fill and some leveling done here so no work is going to happen beyond that wall and that's I'd say a couple of feet higher than the stream now at least in the back here then it's going to rise up a little bit even. So, the wet area really is confined to the stream bed and over here.

MR. FENWICK: What I was getting at a while ago, in fact, this Board had a decision overturned in the county but there was another company in here let's say looking to put in a trailer park and one of the things that probably swayed this Board is that there was nothing else to be put on this piece of property because it was damp enough that you couldn't be put on it. No foundation, nothing. I'm looking at the way I see it, in order to avoid any arguments because we go into interpretation, you're going to have one heck of a problem here. We're just looking at nothing. We're looking at nothing here to interpret to.

MR. NUGENT: On both cases area too, I mean --

MR. FENWICK: But on use here, they could have possibly get the arguments, meet the three criteria, I mean it's, I'm thing about what else are you going to use this for? There's not much more of an entranceway here, you can't build once you get in. That was one of the questions are you going to have another access to this thing?

MR. HILDRETH: No, everything is accessed internally. Then we'll loop around and reconnect here so you'll have a --

MR. FENWICK: The access there won't be accessible out to here?

MR. HILDRETH: No, no. Sewer line is in but no vehicle access.

MR. TANNER: Any problem with that as far as fire goes or anything?

MR. HILDRETH: No, because we are connecting this loop here so you have got two loops, big loop and a little loop, that gets connected, that's where some of the utilities have to go. We have to bring sewer and water.

MR. FENWICK: That is the way I'm looking at it.

MR. NUGENT: What are you saying, you'd be more comfortable with a use variance?

MR. FENWICK: I would think that that with a little bit of imaginative thinking you could meet the three criteria, I would think. You're talking about a return for your money, what else are you going to return for your money? It's not good for just about anything that I can see.

MR. HILDRETH: Once a use variance is sought, do we need bulk variances as suggested by the Planning Board referral and if so, don't we have to decide or --

MR. FENWICK: The only problem I saw had to do with the recreational land.

MR. BABCOCK: If it's not permitted in the NC zone, what bulk requirements do you use?

MR. FENWICK: The only bulk requirements there is trailer park.

MR. BABCOCK: And he meets those, don't you?

MR. HILDRETH: We're supposed to, I mean, this was sketched out to meet them.

MR. BABCOCK: What did the Planning Board say the recreation is well over what is needed.

MR. FENWICK: For this piece of property, I guess, one of the things they were going on about was to get a sufficient amount of recreation area for the total parcel.

MR. BABCOCK: If we went on what happened was I think you probably heard what I said it's very difficult to apply this to an existing park so what the Planning Board more or less told him was to come up with what you think is best and bring it back to us. We're not going to ask for it all but we want more than that.

MR. TANNER: What is shown there now?

MR. BABCOCK: Right.

MR. FENWICK: What is the size of this addition, do you know what the acreage is?

MR. HILDRETH: Yes, 4.28 is the acreage of what was acreage and in that 4.28, you have got 15 units so now it's a total of 11.7 and based on the mobile home criteria, Mike, correct me if I'm wrong, isn't the recreation space required based on acreage or is it based on units?

MR. FENWICK: Based on units from what I can see.

MR. HILDRETH: I didn't mean to make you look it up again.

MR. FENWICK: I just had it here.

MR. HILDRETH: Didn't we do a quick calculation and we needed an acre, some silly thing like that?

MR. BABCOCK: Right.

MR. FENWICK: I just got through reading it.

MR. LUCIA: 27A.

MR. FENWICK: Special addressed recreation.

MR. HILDRETH: It came out to such a high number that it would make the project --

MR. FENWICK: I think it was a 500 foot for --

MR. NUGENT: Size of recreation area shall be based upon a minimum of 500 square feet for each lot.

MR. TANNER: Less than 10,000 square feet.

MR. NUGENT: No outdoor recreation area shall contain less than 10,000. He's got 15,500.

MR. BABCOCK: If you go 500 square feet per lot, it came out to four thousand some odd --

MR. NUGENT: Sixteen times five is only 8,000.

MR. LUCIA: Just to return for an issue on area variances, we probably do need to pigeon hole him within some use category of the NC table. Especially because as the proposal now stands before us, this is a separate tax lot which apparently is deficient for road frontage under some of the lines of the NC table. May also be deficient in some other particulars depending on where we pigeon hole it, we may need area variances.

MR. TANNER: Would he be better off making sure he's got one tax lot?

MR. LUCIA: If by the time of the application, the public hearing it's a single tax lot on the county tax map, then that would change.

MR. HILDRETH: I doubt if the tax maps will be changed. The records can be changed. I believe that there is a form that can be filed under single ownership to

combine tax lots for tax purposes. I think that would take care of it.

MR. BABCOCK: Make that a stipulation we'd want that anyway and I think that was in the intent anyway.

MR. HILDRETH: The intent I know that there was an overall perimeter description made and I thought it was to be filed with the county. I don't know if it was or wasn't. The tax maps, the current tax maps show two tax lots. They may have changed their records in the meantime. I don't know.

MR. FENWICK: The law is very specific in increasing nonconforming use to limiting it to the structure at hand.

MR. LUCIA: That is the way this is worded and I think the Planning Board obviously sent it here for your expertise on how you want to interpret that. That is the reason it came in with the broad brush referral. And certainly you'd be within your rights to limiting structure to specific floor area of structure as well as the number of mobile homes.

MR. HILDRETH: Dan, to go on with your thought about the variances, looking at separate tax lot even if you combine the two, there may be areas in some particular category in the NC zone that would be deficient.

MR. LUCIA: That is correct. Actually without the specific sites on your expansion it's difficult to say whether you are going to need a side yard variance on that one. The others presumably are all pre-existing even if they don't meet present front, side or rear yard requirements. I guess the danger until they are actually sited you might be back for a variance depending on siting within those lots.

MR. HILDRETH: It was the intention of this layout to make sure that anything that was done here would conform to the current 5,000 square foot site requirements including setbacks and so forth. But, that was looking at the mobile home lot.

MR. LUCIA: Depending on which use category the Board pigeon holes you in.

MR. HILDRETH: Like the Chairman has said, it's so hard to find something that is even close. It makes it really hard.

MR. LUCIA: The only thing that I came up with would be if it's considered a park that would be column A or another possibility would be column A use 10, a service establishment furnishing servicing other than a personal nature. A substantial difference in area requirements for those two though.

MR. HILDRETH: But it's formally the Board's procedure in looking at the area variances to find a use in the zone that's close so that you can then compare what we need.

MR. FENWICK: A lot of times we go with what the least amount is or whatever but we almost have to come up with something in that zone because it never stops being an NC and if it were, you know, in two years from now your client would like to come in here and bulldoze this whole thing and put what is allowable for NC zone, it still got to meet that criteria.

MR. LUCIA: In the long run, it works to the landowner's benefit. You were in with another applicant that had a previous use variance but no area variances. So, I think on that one also the Board established some particular category and went from there.

MR. HILDRETH: Yes, and that worked out very well. Well, you have got the tough nut to crack. We have got to come back anyway if you want to chew on it.

MR. TANNER: I think we really need everybody to mull this one over rather than just us, that's my opinion.

MR. NUGENT: I think what we need to do is determine what we are going to base this on. If the man has to prepare a use variance then he's got his work cut out for him. He's got --

MR. FENWICK: He's got his work cut for him, no matter what he does.

MR. NUGENT: Unless you go with the 48.

MR. TANNER: If we send him in one direction and two people come back in and say that was the wrong direction then he's back to base one again. I'd hate to send him off and have him do work and come back and say the rest of the Board agrees.

MR. NUGENT: If the three of us agree on something, we're the majority but we're not a quorum.

MR. LUCIA: On a vote he'd need four affirmative votes so he needs one of the Zoning Board members.

MR. HILDRETH: On a five-member Board you have --

MR. LUCIA: This is a seven-member Board with five members.

MR. FENWICK: Legally we haven't been cut yet.

MR. LUCIA: The town did adopt a resolution saying temporarily this functions as a five-man Board.

MR. FENWICK: Dan, can you just take a look at the book on 48-24 starts right at the very beginning 48-24. Nonconforming use is any use whether of a building or a tract of land or both.

MR. BABCOCK: But it only tells you how to expand.

MR. FENWICK: A building but it does note in 48-24 that is it right there, 48-24. The very first line makes reference to building or tract of land.

MR. HILDRETH: Then it just goes on to just discuss about building expansion.

MR. LUCIA: I'm sure this specific situation was never anticipated by the drafters of this ordinance, which is why it's here.

MR. HILDRETH: In my simplest particular view, 30 percent expansion of a nonconforming use is just an expansion. I kind of glossed over the building aspect of it. I tried to keep it that way but I have a simple mind.

MR. BABCOCK: It's pretty simple, they have never addressed expanding a mobile home park. That's all

there is to it.

MR. TANNER: Because you can't have a mobile home park.

MR. BABCOCK: In a residential zone you can.

MR. NUGENT: There's no place in New Windsor that a mobile home park can be built.

MR. BABCOCK: Sure.

MR. NUGENT: There is no place you can build one.

MR. BABCOCK: In the west end of the town you could.

MR. HILDRETH: Right off the end of the runway. How did they expand the one on Riley Road a number of years ago.

MR. NUGENT: They expanded Silver Stream.

MR. BABCOCK: Mt. Airy was expanded too.

MR. FENWICK: They have worked within this realm of the 30 percent of expansion before, I know it's happened.

MR. BABCOCK: One thing you have to remember, all the other parks that we just named are in an R-1 zone where the regulations are --

MR. TANNER: It's also the same piece of property too.

MR. BABCOCK: Right now in an R-1 zone, if you can't build a new mobile home park because of what you just said, you can expand the one that is there.

MR. FENWICK: Using R-1 criteria?

MR. BABCOCK: Right, using mobile home variance because in R-1, it tells you to go to 48-27 mobile home.

MR. FENWICK: Kind of on the horns of a dilemma. I don't want to set a situation where somebody across the street and up the street finds out alls I have to do is increase the size of my property and come back in a year and I can put more trailers on here.

MR. NUGENT: I'm listening very intently because I have

got one in an NC zone.

MR. FENWICK: Jimmy doesn't want you to have anything he doesn't have.

MR. BABCOCK: Jimmy, where did you get that information that three miles?

MR. NUGENT: I remember from the last, I don't remember seeing it.

MR. FENWICK: That came up just the trailer park we were talking about in Vails Gate in back of Tarkett.

MR. NUGENT: In back of West Point garage, it was brought up at that hearing. I don't believe I ever saw it in writing.

MR. FENWICK: In fact it was beyond our hearing as a matter of fact.

MR. NUGENT: Something about information we got back from the county.

MR. FENWICK: It was brought up by a member of the Town Board at the time as a matter of fact I don't know where it is, if it's in there at all. Problem is we are sitting on this thing that actually says structure. We don't have anything else to go by other than the fact it says structure, unless this thing is amended or whatever by law, we struck into the structure realm. I think that's the thing that would cover it and this is myself, I'm only speaking because there are a lot of problems going on, I can tell right now I'd rather see you go for a use and then get back down to the bulk situation and address it at that time. I think we can probably sit down and come right up with or right here I don't see to much without a little creative thinking you can't come up and meet the three criteria.

MR. HILDRETH: I believe so but that forces us to look at the bulk issues which I don't mind doing.

MR. FENWICK: It is still the situation if we look at the bulk issues and I think if we are going to then wouldn't the bulk situation be laid over into if it were used as a use for mobile homes, wouldn't then mobile homes be addressed as the bulk table because we

have, because they have their own, the mobile home does not fit, mobile home is not on any bulk tables. They have their own set of rules. No matter where you have them, they have their own set of rules. And address it at that time, that's where I see the best way out of this thing. I cannot see because we are stuck with 30 percent increase of structure which we don't have, we have got to in fact we have got an over 30 percent increase of use if you go that way because 30 percent over existing would only be a little more than three and a half acres and you have got a little more than four acres. What does that mean, you're going to chop off a half of an acre or three-quarters of an acre and bring yourself back, you know, if that would be the 30 percent use increase then we're winding up are we, is it 30 percent increase of property, 30 percent increase of actual by way of plots, what does the 30 percent mean then? What does it mean?

MR. HILDRETH: So, to avoid that we'll get a use variance and that is that.

MR. FENWICK: That is my thoughts.

MR. NUGENT: I have to agree with that.

MR. HILDRETH: Only because we have to address the bulk but even at that, if the bulk requirement, if you determine that the bulk requirements are, need to be met only for the mobile home sites, I'm pretty sure we can meet them because that is the way this was laid out.

MR. LUCIA: There is no doubt no matter what we decide the applicant still has to meet the mobile home bulk requirement of the mobile home chapter if this Board chooses to let him do that, that's fine. One thing we should make clear, previously we have always required applicants for a use variance to somehow pigeon hole themselves within the use group columns of the bulk tables. If we are not going to do that here, we should specify that is only for mobile homes so we don't have another applicant coming in here with something else that doesn't have separate bulk tables saying you did it for mobile homes, do it for me.

MR. FENWICK: We have been discussing that with stipulations on the property that are going to be

allowed by State allowing us to put stipulations on the property, then that may very well be a stipulation we may put on the property. You're not going to put anything else on here but a mobile home? You have argued a case that nothing else can go here but mobile homes, that's all you're going to get. And if you're going to change that then you're going to have to come either to our Board or whatever to change that situation.

MR. TANNER: I think that makes sense.

MR. FENWICK: I don't think we can look at all these things here. I don't know what we, if we're going to go with like I just said if we're going to restrict them to simply having mobile homes then the mobile home law will, that is what it is going to be. It takes over.

MR. HILDRETH: If at any time in the future as you said before, it gets wiped clean, it starts over.

MR. FENWICK: You have got to go back to the Planning Board at that time they should be looking at the record of the property not saying they will or won't but they are going to have to be looking at the record of the property for this situation because in essence you're going to come in if it comes in for a use variance and argue that nothing on this bulk table in an NC will go in there.

MR. BABCOCK: Once you decide the use and give it a use variance then you go with whatever that use is, the requirements for that use.

MR. FENWICK: If you go just go back a little to what Mike was speaking about that one of the allowable things I'm looking in the R-1 use by special permit by the Planning Board, for mobile home courts subject to local law #2 mobile home laws. So, that is, they have taken that, you can have an R-1 but now you have to go to 27 in the book and come up with, this is what you have got to abide by. They haven't pigeon holed it into any use on here, the law, the mobile home law takes over.

MR. LUCIA: That is fine, I think because there is comprehensive mobile home law, I was anticipating a

situation where you're looking for a use variance that nobody has set bulk tables in that zone and we may have a problem.

MR. HILDRETH: All right, is it your feeling that this should be presented before the, if you will, before we set up for a public hearing just to make sure?

MR. FENWICK: Yes.

MR. NUGENT: I think that when he does he should address it as a use variance.

MR. HILDRETH: I can do a little more digging and look at the site plan and make sure all the sites would comply with the mobile home criteria and make sure that we are okay.

MR. FENWICK: What was your feeling at the Planning Board? The only feeling that I got was they wanted you to have more recreation area. I can't get a feeling out of what is going on here. I couldn't really get a feeling other than the fact that they were fighting for recreation property.

MR. HILDRETH: That was the big item that came up and was grabbed onto. I think they recognize it as you did here tonight that there is not a whole lot more that can be done with the site, in terms of use. Certainly nothing that's allowed in the NC zone. Once the Planning Board talked about that recreation area size, that was as far as the discussion went because they knew it had to come to this Board before they'd see it again anyway. The last thing they said when I came back that that recreation area was going to have to be straightened out. Looking at the mobile home criteria and looking just at the area that we're expanding into we're providing more recreation space by code than what is required for this 15 units. There is no way we can provide enough for all 87. I think the end result is somewhere in the middle.

MR. FENWICK: Right, I think right now at the way we're looking at this, as a use variance, then that would, if you want to call it a problem that would solve your problem.

MR. HILDRETH: It would help guide the Board because

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now you have a mobile home criteria it would strengthen the argument that we have already shown more than that code requires but we'll put a little more in.

MR. FENWICK: What I'm saying we'll only be addressing this section of the property. Also, we're not going to be addressing anything else. I mean that is the way I'm looking at it as far as the use, that is all we'd be addressing is this additional piece of property that you have.

MR. TANNER: What if it's one tax lot, you're really not at that point you're addressing the whole piece.

MR. LUCIA: As to the use variance, we're addressing the new piece. The old piece is pre-existing.

MR. HILDRETH: So, it doesn't matter whether it's a separate tax lot or not.

MR. FENWICK: The only thing was we put the stipulations on other things that it remains a continuous piece of land to what is going on there now. That would stick it right through no matter how many tax lots they have got as long as you'd make it contiguous you're stuck. I think we covered it pretty good.

MRS. BARNHART: I'll put you down for April 13th another preliminary.

MR. HILDRETH: Let's give everybody their vitamins, all right.

MR. FENWICK: In the meantime, maybe I can touch base with Dan Konkol.

MR. HILDRETH: Give me a call if something comes up that needs to be looked at before I come back.

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 92-6

DATE: 16 March 1992

APPLICANT: Allen Dantas

~~Revised 7-30-92~~

590 Little Britain Rd.

New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 29 January 1992

FOR (~~SUBDIVISION~~ - SITE PLAN) Walter's Mobile Home Park

LOCATED AT North Side N.Y.S. Rt. 207

East of Square Hill Rd. ZONE NC

DESCRIPTION OF EXISTING SITE: SEC: 3 BLOCK: 1 LOT: 27

IS DISAPPROVED ON THE FOLLOWING GROUNDS: Proposed Expansion
of Mobile Home Park not permitted use for NC Zone
Will require a Use Variance.

Michael E. [Signature]
REVISED 7-30-92

PLANNING BOARD CHAIRMAN

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>NC</u>	USE <u>B-1</u>		
MIN. LOT AREA	<u>10,000</u>	<u>11.7 AC.</u>	<u>—</u>
MIN. LOT WIDTH	<u>100'</u>	<u>500'</u>	<u>—</u>
REQ'D FRONT YD	<u>40'</u>	<u>NEW PARK 165'</u>	<u>—</u>
REQ'D SIDE YD.	<u>15'</u>	<u>15 5</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>35'</u>	<u>50</u>	<u>—</u>
REQ'D REAR YD.	<u>15'</u>	<u>50</u>	<u>—</u>
REQ'D FRONTAGE	<u>NA</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT.	<u>35'</u>	<u>10'</u>	<u>—</u>

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REQ'D FRONTAGE <u>NA</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT. <u>35'</u>	<u>10'</u>	<u>—</u>
FLOOR AREA RATIO <u>1</u>	<u>LESS THAN 1</u>	<u>—</u>
MIN. LIVABLE AREA <u>NA</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE <u>NA</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES <u>2 PER UNIT</u>	<u>2 PER UNIT</u>	<u>2 PER UNIT</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

WALTER'S MOBILE HOME PARK SITE PLAN (92-6) ROUTE 207:

William Hildreth, L.S. of Grevas & Hildreth came before the Board representing this proposal along with Alan Dantas.

MR. HILDRETH: Alan Dantas who owns the mobile home park is with me. Everybody knows where Walter's is on 207 going out toward Stewart Field.

MR. PETRO: Yes.

MR. HILDRETH: Okay, what he wants to do we remember the lot line change we SPCA, when Alan picked up the property going to the stream, what he wants to do now is expand the trailer park. It's in a NC zone and it's nonconforming pre-existing use. We are adding, we propose to add 15 units which is a 21% expansion, if you look at the existing number of units which is 72. However, it is my understanding that the Zoning Board of Appeals has to make a finding whether this is allowable and if not, grant a variance.

MR. DUBALDI: Excuse me, this is not pre-existing though, you're basically adding on something new. I don't think he can have the right to use the term pre-existing.

MR. PETRO: Andy discussed that, what they have done is created one lot, they have added more land to the lot that was already there and the use on the lot that was there is a trailer park. Now, I think, it's first of all I think the thing has to go to the Zoning Board of Appeals. I think the appropriate thing to do when it goes to the Board of Appeals is ask for an interpretation or if failing that a variance, you can ask at one time. The section of the law referred to in Mark's comments does not appear to have been drafted with this problem uppermost in the minds of the draftspeople so there's some question as to whether or not they envision this circumstance or not and it's a question that has to be resolved by the Zoning Board of Appeals, not a question that has to be resolved here. Let them do the interpretation and if they find that a variance is necessary for the reason that Carmen has suggested or for any other reason, they can go onto decide that.

MR. EDSALL: My only suggestion would be in your resolution to refer it to the Zoning Board of Appeals, send them an all inclusive referral which would give the applicant the ability to ask for either a use variance, area variance, for a finding per the section I cite so that they do not need to return.

MR. PETRO: The applicant should go there with the variance needed and the less amount of resistance.

MR. EDSALL: We have had occasions where they have come back and for the --

MR. KRIEGER: It's the Zoning Board of Appeals practice to rely heavily on the referral made from this Board and Mark is suggesting that this referral be sufficiently expansive so the applicant doesn't get hung up on a red tape thing.

MR. HILDRETH: Depending on what the Zoning Board of Appeals should determine, that would also dictate what variances may be required.

MR. KRIEGER: Yes, they interpret first and consider what variances are necessary.

MR. DUBALDI: What do you have proposed for the recreation lands over here?

MR. HILDRETH: In terms of recreation?

MR. DUBALDI: Okay.

MR. HILDRETH: Like swing sets or sandboxes, nothing at this time other than acknowledging that some space is set aside for that.

MR. DUBALDI: If we are going to be addressing the whole lot that the recreation land should entail the entire lot as well in terms of how large the area should be. I mean, I think, you know, 15,000 square feet for servicing 80, 90 units that's not to much land.

MR. VAN LEEUWEN: Bill, now is the time that we have to get some recreation in here because there is none in this park. Almost all the other parks in town of this

magnitude do have recreation. And I think what you should really do is look at the site and say you should have one for every six or seven units, should have that some size area for recreation, 50,000 square feet of recreation, that's way to small.

MR. HILDRETH: One lot for six or seven?

MR. BABCOCK: There's some criteria set forth in the code but I don't know that it would -- and I don't know that that would be for the existing park.

MR. VAN LEEUWEN: How many units here now?

MR. HILDRETH: Right now, there's 72.

MR. VAN LEEUWEN: Seventy-two (72) existing units plus you're going to have 15 more. I think you really and we'd like to see some swing sets. We have made other parks do it; we have made Silver Stream do it. We are going to have to do it here now too.

MR. HILDRETH: Given the one for six or seven that you mentioned, it isn't going to work. I mean the entire, virtually entire area would have to be set aside for recreation.

MR. VAN LEEUWEN: Why don't you come up with something a little more reasonable. 15,000 square feet is being a little to skimpy, let's at least trim it.

MR. PETRO: You can work that out with your client and at the work session what we'll do know is get you over to zoning in the meantime, you know, what Mr., Hank and Mr. Dubaldi have been talking about.

MR. HILDRETH: If there is a requirement for a certain percentage of, certain percentage of recreation lands based on the number of units that would fall into the bulk category, would it not --

MR. BABCOCK: There's a set of regulations.

MR. EDSALL: For your notes, 27A-18, that's mobile home recreation areas. So, look at that before you come back in.

MR. BABCOCK: The question that I think they need to

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clarify is that that section of the code would pertain to the 15 new trailers, not to the 72 existing trailers, unless the Board feels differently. I'm just telling you that we do not go into any mobile home parks today and use this code, today's code to try to regulate them because it wouldn't work. It wouldn't fit.

MR. VAN LEEUWEN: Now we have a chance to get some recreation in here.

MR. BABCOCK: Maybe you don't want him to follow the strict letter of the law for the other 72 but what you want is extra.

MR. PETRO: Something that works for the entire park, a little more than 15,000 square feet.

MR. VAN LEEUWEN: This park is crowded.

MR. PETRO: You don't have any objection to that?

MR. DANTAS: No, I don't have no problem but we only have about 11 kids in the whole park.

MR. PETRO: That could change.

MR. DANTAS: Pretty steady for the last 16 years that I have been there.

MR. LANDER: What does that come up to?

MR. VAN LEEUWEN: I make a motion to approve it.

MR. BABCOCK: We are figuring it out real quick.

MR. EDSALL: He would need, based on if you applied the current code to the entire park, he would need one acre of recreation based on just the new units, he's got more than he's required to have so I think you're looking at --

MR. BABCOCK: That's the problem, that's why you can't apply this.

MR. PETRO: How are we going to regulate that if he already has more than what's he's required for the new end of it to do for the whole park would be

nonpractical. How are we going to do that?

MR. VAN LEEUWEN: Can I say something to you? I'm sitting here looking at this piece, I'm looking at the new addition. I'm looking at the old section and I know it's both owned by the same owner. I'm saying one thing. I want to see that recreation area a heck of a lot bigger and I want to see something done with it. That's only my opinion.

MR. EDSALL: Just for the record and to reference, purely for the new units, he'd need 7500 square foot of recreation, he's showing 15,510. For the entire site as you said if you apply the current law, you need 43,500.

MR. HILDRETH: Which would be trim what we are showing.

MR. EDSALL: The law also indicates that you can have no less than 10,000 square feet. So, looking I would suggest you work out something between 10,000 and 40, that's the range you have to work in.

MR. PETRO: You might have to give up a lot or two.

MR. VAN LEEUWEN: 45,000, no, 4,500 square feet, 4500 square feet.

MR. PETRO: Any other comments from the Members of the Board?

MR. DUBALDI: Yeah, the airport has no effect?

MR. PETRO: It's not in the flight plan, I know that's for a fact.

MR. DUBALDI: You don't --

MR. HILDRETH: Don't have to notify them?

MR. BABCOCK: No.

MR. LANDER: Does the DOT have to be notified about this addition here?

MR. PETRO: It's going to have to go to Orange County.

MR. LANDER: They have asked the Planning Board in the

past about any new things that would involve drainage involving the drainage around there.

MR. VAN LEEUWEN: Only if he'd got egress onto the county and he doesn't or State highway and he doesn't.

MR. EDSALL: Well, we'll send it over when they come back from the Zoning Board of Appeals.

MR. HILDRETH: It has frontage but there's no ingress or egress.

MR. VAN LEEUWEN: He's tying the new roadway into the old roadway so you are really tying the two parks together so let's address it.

MR. PETRO: Lot #1 is within 500 feet of the highway so we're going to send it.

MR. DUBALDI: This is one lot right now, if I'm not mistaken, correct?

MR. PETRO: It's one lot.

MR. DUBALDI: It should be shown as one lot.

MR. HILDRETH: I had it broken up for presentation purposes by the time we are all done, if you prefer it to see it on one.

MR. PETRO: We are going to go through with this whole thing again but we're just trying to let you know ahead of time that the recreation is going to be addressed. We have a motion on the floor to approve it.

MR. LANDER: I'll second it.

MR. PETRO: Motion has been made and seconded to approve the Walter's Mobile Home Park Site Plan. Any further discussion? If not, we'll take a vote.

ROLL CALL:

Mr. VanLeeuwen	No
Mr. Lander	No
Mr. Dubaldi	No
Mr. Petro	No

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MR. EDSALL: Can we just put in the record for the benefit of their attorney who asked what it is either for use variance or an area variance or a finding pursuant to Section 48-24B3, whichever they deem necessary or otherwise they'll be coming back.

MR. PETRO: Thank you.

MR. HILDRETH: When we discuss with the Zoning Board of Appeals if it comes down to variances and lot count and whatnot is discussed, we may have to get into lots and I don't know how many, if any, we may have to give up to take care of the recreation lands. Is that going to be a problem with the Zoning Board of Appeals if they --

MR. EDSALL: If they grant you a variance and he decreases the number of units --

MR. HILDRETH: If they grant a variance for 12, 15 and we end up with 12 --

MR. PETRO: You are in the right direction.

MR. HILDRETH: We are not asking for anymore than 15 at this point, all right, thank you.

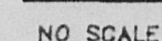
**Table of Use/Bulk Regulations
Neighborhood Commercial (NC)¹
Town of New Windsor**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
Uses Permitted by Right	Uses by Special Permit of the Planning Board or Town Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Development Coverage (percent)	Permitted Accessory Uses	Permitted Accessory Signs	Minimum Off-Street Parking (number of spaces)	Minimum Off-Street Loading Berths (number of berths)
1. Buildings, structures and uses owned and operated by the Town of New Windsor ²		5 acres	200	100	50/100	50	50	50	N/A	N/A	10	1. Accessory parking 2. Accessory loading 3. Accessory signs 4. Customary home occupations 5. Garden houses, tool-houses, playhouses and garages, subject to § 48-14 6. Swimming pools, subject to § 48-21G 7. Private garages accessory to the principal use of the lot 8. Keeping domestic animals as follows; not more than a total of 3 cats or dogs over 1 year old, not more than 2 horses over 6 months old, not more than 10 fowl and not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. No domestic animal, except dogs and cats, shall be maintained within 75 feet of any plot line 9. Home professional office or studio of architect, artist, chiropractor, dentist, engineer, insurance broker, lawyer, musician, optometrist, osteopath, teacher, surgeon, physician, real estate broker and veterinarian, subject to § 48-21H 10. Accessory storage within a wholly enclosed permanent structure of materials, goods or supplies intended for sale, processing or consumption on the premises	1. Accessory to permitted residences: 1 nonilluminated nameplate or professional sign with an area of not to exceed 2 square feet 2. For any nonresidential or noncommercial establishment permitted, 1 indirectly illuminated sign not to exceed 20 square feet in area, at least 25 feet from the street line; and not more than 2 non-illuminated directional signs, each not to exceed 2 square feet in sign area, provided that such signs are set back at least 10 feet from the street line 3. For any structure for sale or for rent, 1 temporary non-illuminated "for sale" or "for rent" sign not to exceed 6 square feet in area located at least 15 feet from the street line. Such temporary use shall cease within 30 days after sale or rental is consummated. Signs for any other advertising purpose pertaining to the premises of the building shall be permitted but shall not exceed 6 square feet in area nor be displayed for a period longer than 30 consecutive days 4. Refer to § 48-18 for regulations 5. Refer to § 48-27 6. Business signs with a total sign area per establishment not to exceed 10% of the sign wall area and in no event more than 50 square feet total sign face, subject to § 48-18 7. Temporary promotional signs not to exceed 25 square feet total sign area and displayed for not more than 10 days in any 1-month period 8. For businesses fronting on more than 1 street, 1 indirectly illuminated sign may be located on each of 2 building facades facing 2 different streets, with aggregate sign area not to exceed 15% of the total sign wall area and in no event more than 75 square feet total sign face for both signs, except as provided below. The size of the above signs may be divided in any manner with the acceptance of the Planning Board, provided that the maximum size for a sign on any 1 facade shall not exceed 10% of the total sign wall area, of the facade on which the sign is to be placed and all such signs shall have not exceed 50 square feet total sign face, subject to § 48-18 9. Freestanding signs may be provided for single or multiple businesses on 1 lot not to exceed 1 such sign per lot. The total sign area shall not exceed 30 square feet per lot, total all faces, and shall be located at least 15 feet from any lot line and shall not exceed a height of 15 feet above ground level as measured from the top of the sign	1. Outdoor recreation areas: 1 for each 5 persons for which designed, but not less than 4 spaces per acre 2. Boat docks, marinas, clubhouses: 1 for each 3 persons for which seating is provided 3. Boat ramps: 1 for each member 4. Golf course and clubs: 10 for each tee 5. Skiing areas: 3 for every 10 persons of practical lift capacity 6. Buildings or open stands for the display and sale of agricultural products: 1 for 5 feet of front wall of such stand or 300 square feet of floor space, whichever is greater 7. Railroad, public utility, radio and television transmission antennas and rights-of-way: 1 for each on-site employee 8. Home occupation: 5 per dwelling with full turnaround area or as determined by the Planning Board based on anticipated usage. There shall be provided sufficient parking to accommodate all prospective patrons for all but the 10 highest hours of usage each year. 9. Home professional	1. For any uses permitted by right or uses by special permit: 1 for any building or structure exceeding 10,000 square feet
2. Public parks and playgrounds ²															
3. Outdoor recreational facilities, including golf courses, ice skating rinks, swimming pools, parks, playgrounds and ski areas, subject to § 48-21A ²															
4. Places of worship, including parish houses ²		3 acres	125	45	20/40	50	70	35	N/A		25				
5. Public elementary and high schools operated by the people of the State of New York ²		15 acres	500	100	100/200	100	500	40	N/A	N/A	20				
6. Retail stores and banks ²	1. Living quarters for not more than 1 family located within each permitted commercial building on each lot for the use of the owner or caretaker of the permitted use or uses housed in such buildings 2. Dry-cleaning establishments for pickup and delivery only ² 3. Laundromats not exceeding 30 machines' capacity ² 4. Trailers for business, office and commercial purposes not exceeding 6 months' duration ² 5. Local office, including but not limited to realtor, notary public, bondsman, attorney and insurance ²	10,000	100	40	15/35	15	N/A	35	1	N/A	N/A				
7. Personal service stores, such as but not limited to barber-shops, beauty parlors and tailor shops ²															
8. Eating and drinking places ²															
9. Business, professional or governmental offices ²															
10. Service establishments furnishing services other than of a personal nature but excluding gasoline filling stations and motor vehicle storage, repair or service ²															
11. Theaters (except drive-in theaters) ²															
12. Clubs, such as fraternal, social, political, etc. ²															
13. Mortuaries and funeral parlors ²															
14. Newstands ²															
15. Medical and dental clinics ²															
16. Bicycle and specialty shops ²															
	6. Private schools and colleges and other educational institutions, other than trade and technical schools ²	20 acres	300	100	100/200	100	100	50	N/A	N/A	20				
	7. Gasoline filling stations and service repair garages ²	15,000	125	40	15/30	15		23	0.5	N/A	N/A				
	8. Railroad, public utility, radio and television transmission antennas and rights-of-way ²	10 acres	300	100	100/200	15		18	N/A	750	20				
	9. Commercial dog or veterinary kennel, subject to § 48-21E ²														

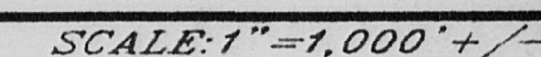
NOTES:

¹Added 3-5-86 by L. L. No. 1-1986

²Site plan approval required; refer to use regulations applying in all districts, Number 3.



AP NC ZONE ZONE



1. Being a proposed development of lands shown on the Town of New Windsor Tax Maps as a portion of Section 3, Block 1, Lot 27, said portion being annexed to Tax Map, Section 3, Block 1, Lot 28 by an amended lot-line change plan approved by the Town of New Windsor Planning Board on 12 December 1990.
2. PROPOSED USE: Expansion of an existing mobile home park.
3. PROPERTY OWNER/APPLICANT: Allen & Kitty Dantas
c/o Walter's Trailer Village
590 Little Britain Road (Route 207)
New Windsor, NY 12553
4. PROPERTY ZONE: NC (Neighborhood Commercial)
5. TOTAL PARCEL AREA: 12.20 +/- Acres
6. Boundary and topographic information shown herein in the expansion area resulted from field surveys performed by the undersigned and completed on 27 August 1991.
7. Physical features shown in the existing park area were taken from a plan entitled "Site Plan of Lands for Walters Trailer Park" dated 23 March 1988, prepared by Patrick T. Kennedy, L.S., and approved by the Planning Board on 5 December 1988.
8. Unauthorized addition or alteration to this plan is a violation of Section 7209 (2) of the New York State Education Law.

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